

Question on notice no. 82

Portfolio question number: AE18/085

2017-18 Additional estimates

Legal and Constitutional Affairs Committee, Home Affairs Portfolio

Senator Nick McKim: asked the Department of Home Affairs on 26 February 2018

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1. How many asylum seekers have adverse security assessment (ASAs) and qualified security assessment (QSAs) ?
2. How many asylum seekers with ASAs and QSAs remain in detention and what is the average length of time that they have been in detention, broken down by age, nationality and their location of detention?
3. If the asylum seeker has a QSA, on what basis do they remain in detention and how often is this reviewed in practice?
4. Is the assessment for the reasons for detention available to them and is the assessment reviewable by courts?
5. How many of these asylum seekers with QSAs are awaiting a decision of their protection visa application or review?
6. What is the average time taken from the initial visa application lodgement to a Departmental decision on this or any subsequent application?

Answer —

1. 48 people who have applied for protection visas have Adverse/Qualified security assessments.
 - <5 have an Adverse Security Assessment (ASA) and the remainder have a Qualified Security Assessment (QSA).
2. 12 people who have applied for a protection visa and have either an ASA or QSA are in held detention. The remainder are residing in the community.
 - Average length of time in detention is 1821 days for ASA and 2152 days for QSA
 - Ages range from 21 to 65
3. Under section 189 of the *Migration Act 1958*, if an officer knows or reasonably suspects that a person in Australia is an unlawful non-citizen (that is, does not hold a visa), the officer must detain the person. Under section 196 of the Act, as most relevant, an unlawful non-citizen detained under section 189 must be kept in immigration detention until he or she is removed from Australia or is granted a visa. There are a number of factors that can impact on visa processing or the ability to remove a person from Australia. These include identity determination, developments in country information and the complexity of processing due to an individual's circumstances relating to health, character or security matters. The immigration detention of individuals is subject to regular review by senior officers in the

Department. The Department is also obliged under Part 8C of the Act to give the Commonwealth Ombudsman a report on persons in detention in certain circumstances and the Ombudsman gives an assessment of the appropriateness of the arrangements for the person's detention.

4. The detention reviews undertaken by the Department are not generally available to detainees.

5. The approximate 45 non-citizens who have lodged protection visa applications and have a QSA are awaiting the decision on their visa application or outcome of a review.

6. The average processing time from lodgment to primary decision for the current program year is:

- Permanent Protection visa 257 days
- Temporary Protection visa 415 days
- Safe Haven Enterprise visa 316 days