

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 19 OCTOBER 2010

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### **(231) Program 4.1: Visa Compliance and Status Resolution**

Senator Cash asked:

1. How many of those who have been refused refugee status, either on primary decision or appeal have voluntarily left Australia in 2009-10 and in 2010-11 so far?
2. How many have been removed?
3. How many are awaiting removal?
4. On average how long have those awaiting removal been held in detention following their negative decision?

*Answer:*

1. People who have been refused refugee status, either on primary decision or appeal and who have voluntarily left Australia have often done so lawfully. If a person arrives lawfully, remains lawful while they test any claims for protection and departs Australia without becoming unlawful after they have been found not to be owed protection, then no further action is required by the Department. Consequently, the number of people who were refused refugee status, either on primary decision or appeal, and who voluntarily left Australia in any given financial year is not readily available.
2. The number of people who were subject to removal from immigration detention who were previously found not to be owed protection by Australia was:
  - 405 people in 2009-10; and
  - 100 people from 1 July 2010 to 8 November 2010.

This does not include people previously found not to be owed protection who departed Australia from the community while holding a Bridging E visa or who remained lawful while pursuing their claims for protection and departed Australia without any compliance action being taken by the Department.

The decision that the person was not owed protection may have occurred in a previous financial year to that in which the person left Australia.

3. There are a number of reasons why people may become available for removal; including overstaying their visa or having their visa cancelled, or visa refused. The Department's removal data does not specifically identify why someone has become available for removal and therefore cannot readily provide information on the number of people who have been found not to be owed protection who are available for removal.
4. A range of factors impact on the length of time between a negative decision and a removal including: the issuing of travel documents and obtaining agreement from country of return; confirmation of identity for removal purposes; flight availability; finalisation of health assessments; pre-removal clearances and post-arrival care needs.

As an example, for irregular maritime arrivals, the average time taken between a negative decision on appeal or uncontested at the primary level and a removal is currently 26 days (the majority of these have been voluntary removals).