

What we have learnt from the responses to 2022-23 Supplementary Budget Estimates Questions on Notice

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The responses to Senate Questions on Notice after the [2022-23 Supplementary Budget Estimates round](#) were published on 13 February 2023.

We compiled the questions put to the Department of Home Affairs. Below is a summary of new information with links to download the answers.

Unless otherwise specified, this information is current as at 31 December 2022.

Onshore detention

Summary of response	Question number
There are 35 stateless people in held detention. The average period of detention for stateless people as at 31 December 2022 is 1,105 days.	SE23-432
Breakdown of stateless people in held detention by number of years in detention.	SE23-440
620 people who previously held a Protection or Humanitarian visa or applied for a Protection visa are in held detention. Of those, 435 have been refused a Protection visa. Of those, 41 have been refused a visa under section 501 of the Migration Act (character grounds).	SE23-442

Breakdown of people in held detention by subclass of last visa held.	SE23-444
275 non-citizens who previously held a Protection or Humanitarian visa, or who had applied for a Protection visa are on a removal pathway. Of those, 218 have been refused a Protection visa.	SE23-445
12 stateless people who are in held detention are on a removal pathway.	SE23-446
185 people in held detention have previously had their protection, refugee or humanitarian visa cancelled under section 501 of the Migration Act.	SE23-448
179 people in held immigration detention had previously had a protection, refugee or humanitarian visa cancelled under section 501(3A).	SE23-458
27 people in held detention have previously had their protection, refugee or humanitarian visa refused under section 501 of the Migration Act.	SE23-450
48 people currently in held detention in Australia were refused protection on the basis that they did not satisfy section 36(1C) of the Migration Act.	SE23-451
91 people in held immigration detention are Fast Track applicants who had been refused a protection visa.	SE23-453
As a result of the Full Federal Court's decision in <i>Pearson v Minister for Home Affairs</i> [2022] FCAFC 203, 163 people, excluding Ms Pearson, had their visa reinstated and were released from immigration detention between 22 December 2022 and 17 February 2023. As at 20 March 2023, 73 unlawful non-citizens have been re-detained following the commencement of the Migration Amendment (Aggregate Sentences) Act 2023. Of those re-detained, less than five unlawful non-citizens are detained in the community under a residence determination arrangement (commonly known as community detention).	SE23-459
Breakdown of people in held detention by number of years in detention.	SE23-461
Breakdown of people whose visa was cancelled on character grounds in last six years and where those who have been detained are currently (i.e. remain in detention/have been removed	SE23-465

voluntarily/have been removed involuntarily/are in community detention)	
42 people in immigration detention who previously had a visa cancelled have a Protection visa application ongoing.	SE23-469
The cumulative time that detainees spent in detention at North-West Point immigration detention facility who previously held a Protection, Refugee or Humanitarian visa.	SE23-472
Steps that the Australian Border Force has taken to reduce the incidence of self-harm at Villawood Detention Centre.	SE23-492
Those who had a visa cancellation or refusal decision validated by operation of the Aggregate Sentences Act are liable to be detained and removed from Australia. The Australian Border Force (ABF) has prioritised cases to ensure persons of interest are located and detained.	SE23-488
Of the detainees at North West Point Immigration facility, less than 5 individuals are considered stateless (of those who previously held a Protection, Refugee, or Humanitarian Visa)	SE23-472
Since the Christmas Island facility was re-opened on 14 August 2020, 9 detainees have voluntarily departed and 5 have departed involuntarily.	SE23-472
In the last five years there have been a total of 874 incidents of self-harm and 2180 incidents of threatened self-harm in immigration facilities. – break down of incidents by detention facility and year between 1 January 2018 and 31 December 2022.	SE23-480
There were 36 detainees accommodated in Alternative Place of Detention (APODs).	SE23-477
In the last five years there were 18 deaths in held detention and 3 deaths in residence determination. – break down of deaths by year.	SE23-481
The department is aware of 6 deaths that occurred in immigration detention from July 2017- 31 December 2022 that were the subject of a coronial inquest or will be in the future. A further 10 deaths are the subject of coronial investigations that are current, finalised or where the inquest was decided not to be held by the coroner.	SE23-482
Between 1 January 2018 and 31 December 2022 2,283 detainees were held within the Immigration Detention Network (IDN), who received	SE23-483

mental health counselling through the Detention Health Service Provider (DHSP). 692 detainees received counselling through an external torture and trauma service provider.	
60 detainees at North West Point Immigration Detention Centre received mental health counselling and/or torture, and trauma services through the Detention Health Service Provider.	SE23-483
There have been 473 complaints of assaults made by detainees over the last five years. Break down provided of complaints, allegations of assaults, made directly to the department by detainees or staff, by facility and year from 2018-2022.	SE23-484
The death at Villawood Immigration Detention Centre in January 2023 has been referred to the NSW Coroner.	SE23-493
Break down of number of people who had a protection visa, refugee visa or protection visa previously refused or cancelled by year from 2014-2023.	SE23-503
The average period of time in detention was 1,567 days for persons who had their protection visa refused or cancelled under s501A, at the time of their release.	SE23-503
185 non-citizens in held immigration detention had previously had a Protection, Refugee or Humanitarian visa cancelled under section 501 of the Migration Act.	SE23-501
389 people in detention had their protection visa, refugee visa or humanitarian visa cancelled under s 501(3A). Break down provided by number of people and year. 11 people had a mandatory visa cancellation revoked by the Minister.	SE23-501
There have been no changes under s 501CA in processes for managing revocation requests. Delegates will assess representations against Ministerial Direction 99, which is available publicly on the Home Affairs website.	SE23-490
Individuals who, on 22 December 2022, were within time to seek merits review at the Administrative Appeals Tribunal (AAT) or had an active merits review process before the AAT do not need to resubmit a revocation request. The original non-revocation decision remains valid and will not be re-considered.	SE23-490 SE23-491

<p>If a review had been lodged with the AAT prior to the Pearson decision, and no decision has been made by the AAT, that review will continue.</p>	
<p>Under s 501CA, the Department is taking steps to prioritise this caseload, focusing on individuals who are considered a lower community protection risk. Any new information available to the Department, including changes to an individual's criminal record, will be considered as part of the revocation process.</p>	<p>SE23-490</p>
<p>90 people were held in detention who had previously held a Protection or Humanitarian visa or applied for a Protection visa and been refused on character grounds, and were not engaged in visa application, merits review, judicial review or Ministerial Intervention processes.</p>	<p>SE23-473</p>
<p>Break down of number of people in detention (who have previously been found to be owed protection obligations or who arrived in Australia as refugees or humanitarian entrants) in respect of who the Minister has granted a visa under s 195A.</p>	<p>SE23-475</p>
<p>10 detainees are engaged in a visa application process, merits review or a Ministerial intervention process held in detention facilities. 10 stateless people are in immigration facilities who are not engaged in any visa application process, merits review, judicial review or Ministerial intervention process. - break down by number of years in detention.</p>	<p>SE23-474 SE23-500</p>
<p>Excluding transitory persons, 240 humanitarian entrants and refugees are held in a detention facility. – break down by visa subclass. For the breakdown by last visa held, see SE23-444.</p>	<p>SE23-497</p>
<p>240 non-citizens in detention are on a removal pathway and who previously applied for a Protection visa. - break down by country of citizenship.</p>	<p>SE23-498</p>
<p>Of the humanitarian entrants and people who have been found to be owed protection, and who are in detention; 12 individuals have received a negative ITOA outcome and 16 individuals have received a positive ITOA outcome.</p>	<p>SE23-499</p>

Regional processing centres and 'transitory' people

<p>Approximately 90 'transitory' people in the regional processing cohort have family members who are Australian citizens or hold permanent visas. There are 242 'transitory' people under the age of 18 in Australia.</p>	<p>SE23-509</p>
<p>Between 21 May 2022 and 1 February 2023, 14 transitory persons have been brought to Australia from Nauru for medical treatment. At 1 February 2023, recommendations for medical treatment outside Nauru had been made for 5 transitory persons to the Government of Nauru Overseas Medical Referral Committee.</p>	<p>SE23-479</p>
<p>The Transitory Persons Committee (TPC) supports the decision maker under section 198B of the Migration Act 1958 in their consideration of a request to transfer an individual and accompanying family member(s) from regional processing countries for medical or psychiatric purposes.</p> <p>The current TPC membership includes 'First Assistant Secretary, People Smuggling Policy and Implementation Taskforce', 'First Assistant Secretary, Health Services' and 'Assistant Secretary, Chief Medical Officer Branch, Health Services'.</p>	<p>SE23-470</p>
<p>11 transitory persons were brought to Australia from Nauru for medical treatment between 1 May 2022 and 31 December 2022.</p>	<p>SE23-478</p>
<p>The government of the Republic of Nauru objected to zero transfers to Australia for medical treatment.</p>	<p>SE23-478</p>
<p>As of 31 December 2022, eight transitory persons had been transferred to Australia from a regional processing country for a temporary purpose who were in held detention.</p>	<p>SE23-486</p>
<p>73 individuals were in Nauru under regional processing arrangements.</p>	<p>SE23-506</p>
<p>Approximately 8 individuals in Nauru were actively engaged in US resettlement. Less than five of these individuals have received a provisional positive outcome.</p>	<p>SE23-506</p>
<p>Approximately 16 individuals in Nauru had been referred by the United Nations High Commissioner for Refugee (UNHCR) to New Zealand for resettlement assessment. The New Zealand government has issued 11 decision notifications.</p>	<p>SE23-506</p>

Of the people transferred from PNG and Nauru to Australia, 1,031 were transitory persons in Australia brought from a regional processing country after 19 July 2013.	SE23-508
242 transitory persons under the age of 18 were temporarily in Australia.	SE23-509
Approximately 90 transitory persons in the regional processing cohort have family members who are Australian citizens or hold permanent Visas.	SE23-509
The total amount paid to Management and Training Corporation (MTC) between August 2022 and December 2022 is \$11,944,525 exclusive of GST. - break down by month.	SE23-482
Companies that submitted tender applications as part of the open and limited tender processes in Nauru.	SE23-485
Breakdown of the funding provided by Department of Home Affairs to provide services under the Regional Cooperation Arrangement.	SE23-487
File note and correspondence briefing the Opposition on the sunseting of the Nauru instrument.	SE23-010

TPV/SHEV

Eight legal service providers have been funded to assist TPV/SHEV holders to convert to permanent visas from 14 February 2023 to 30 June 2024.	SE23-528
From 21 May 2022 to 31 December 2022, the approval rate for travel requests under condition 8570 was 52%. Policy settings for travel requests were amended on 30 October 2022. From that time, the majority of travellers - those who have not seen their close family for more than twelve months – now immediately meet the compassionate or compelling reason for travel.	SE23-457
Processing of the legacy caseload as at 8 February 2023.	SE23-049
Cohorts who may be eligible for a permanent Resolution of Status Visa. Total of 26,933 people may be eligible.	SE23-034
As at 8 February 2023, there were 547 Unauthorised Maritime Arrivals (UMA) remaining in Australia who had previously held a TPV or SHEV.	SE23-035

There were 266 unlawful in the community with the remainder holding visas in the community, the majority of these on Bridging Visas.	
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Bridging visas

Breakdown of people in community detention by number of years in community detention.	SE23-463
Of the 1,031 transitory persons in Australia brought from a regional processing country after 19 July 2013, eight were in held detention, 437 were in community detention and 586 were on Bridging Visa E.	SE23-508

Status Resolution Support Service (SRSS)

In total, 1,580 people receive SRSS support, 1,272 of whom receive SRSS income support.	SE23-399
596 'transitory' people receive SRSS support, 509 of whom receive SRSS income support.	SE23-400
Breakdown provided of people receiving SRSS by band type, age, family unit and state/territory.	SE23-401
Plan provided for transitioning clients to new SRSS providers.	SE23-402
From 1 January-31 December 2022, 72 SRSS applications have been rejected. Answer provides common reasons for refusal, mainly not meeting the high evidentiary requirements.	SE23-403

Afghan nationals

As at 10 March 2023, there are a total of 182 Afghan nationals with judicial review proceedings on foot concerning the refusal of a protection visa (temporary or permanent). Of this number, 169 are in the Federal Circuit and Family Court and the remaining 13 are in the Federal Court.	SE23-416
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Between 1 November-31 December 2022, 391 partner and prospective marriage visas have been granted to Afghan nationals.	SE23-418
3,835 visas have been granted under the family stream for Afghan nationals between 21 January-31 December 2022.	SE23-419
As at 20 March 2023, 303 Afghans are awaiting referral to the Minister for Ministerial Intervention under section 48B of the Migration Act.	SE23-420
As at 31 August 2022, 28 Afghans were deemed 'excluded fast track applicants'. Of these, 7 have judicial proceedings on foot, 14 have ministerial proceedings on foot, 7 have no proceedings on foot, and 0 have been removed from Australia. 21 are onshore lawful, 5 are onshore unlawful and 2 are offshore.	SE23-421
Breakdown provided of Afghan nationals waiting for Partner visa applications. In total, there are 6,925 applications on hand.	SE23-591
A total of 2,379 Partner visas have been granted to Afghan nationals between 15 August 2021 and 31 December 2022.	SE23-592
65 Partner visas were refused for Afghan nationals between 15 August 2021 and 31 December 2022.	SE23-594

Myanmar nationals

Myanmar nationals access to the Community Support Program, the Skilled Refugee Labour Agreement Pilot, the Family stream, and Skilled visa categories.	SE23-041
517 Myanmar nationals have been granted Global Special Humanitarian Visas in this program year. Information provided about period in which Class XB visa holders have to travel.	SE23-042
The Department is aware that the Government of India is currently not issuing exit permits to those in India without a legal status, including Myanmar nationals granted Australian humanitarian visas. The issuing of exit permits is determined by the host country. The Australian Government has engaged with the Government of India on the issue of exit permits for displaced populations, and will continue to do so.	SE23-043

For Class XB humanitarian visa applicants, ethnicity is self-identified and as declared on application, and may include generic responses (e.g. No specific ethnicity, Unknown). Where ethnicity is declared, it is recorded in departmental systems.

[SE23-044](#)