

## QUESTION TAKEN ON NOTICE

### ADDITIONAL BUDGET ESTIMATES HEARING : 9 FEBRUARY 2010

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### **(130) Program 4.2: Onshore Detention Network**

Senator Humphries asked:

1. How many detainees subject to interest by the Commonwealth Ombudsman, i.e. those who have been detained for more than six months, have subsequently been granted permanent visas?
2. What kind of visas?
3. What were the reasons for their extended detention?
4. How many were subject to serious character concern?
5. How many were subject to adverse security assessments that were subsequently either overturned or re-assessed by the relevant authorities and changed?
6. How many were either removed from Australia or voluntarily departed?

*Answer:*

1. Since the commencement of reporting under Part 8C of *the Migration Act 1958* a report must be sent by the Secretary to the Commonwealth Ombudsman for clients in immigration detention for two years and every six months thereafter. Between June 2005 and February 2010, 935 reports have been forwarded to the Commonwealth Ombudsman regarding 472 clients.

In July 2008, as part of the Government's New Directions in Detention policy, the Government requested the Commonwealth Ombudsman to use his own motion powers to conduct six monthly reviews for clients in Immigration detention for less than two years. Between July 2008 and February 2010 134 reports have been forwarded to the Commonwealth Ombudsman regarding 162 clients.

Since 2005, of those 634 clients for whom reports have been provided to the Commonwealth Ombudsman 355 clients have been granted permanent visas as a result of visa application processes, through the exercise of Ministerial intervention powers or as a result of the decision of appeal bodies.

2. Of those 355 clients who have been granted permanent visas, the following permanent visas were granted:

<b>Visa</b>	
Resident Return visa (BB155 and BF54)	17
Permanent Protection visa (XA866)	166
Permanent Humanitarian visa (XB202)	88
Permanent Child visa (3BT802)	3
Permanent Spouse visa (BS801 and BC100)	13
Permanent Employer Nomination Scheme visa (BW856)	1
Remaining Relative visa (BU835)	20
Permanent Carer visa (BU836)	1
Permanent Former Resident visa (CB151)	3
Permanent Resolution of Status visa (CD851)	43
<b>TOTAL</b>	<b>355</b>

3. Approximately 75 percent of people who are detained depart Australia within two weeks. However, there can be a variety of reasons why clients remain in immigration detention for extended periods.

For unlawful non-citizens who are unauthorised arrivals, or who are detained at the border improperly documented, establishing identity and meeting health and security checks can sometimes extend beyond six months.

Clients who have breached their visa conditions, or have been assessed as posing a risk to the community (in particular persons who have had their visas cancelled under s 501 of the Migration Act), and who are detained pending removal, may seek merits, judicial and / or Ministerial review of their case, leading to lengthy delays. These clients, awaiting removal, may on occasion remain in detention until travel documents are sourced from their home countries. In a small number of cases, Australia's international obligations may also impact on the ability to return unlawful non-citizens to their country of origin.

4. Since 2005, of the 634 clients reviewed by the Commonwealth Ombudsman, 48 have had visa cancellations due to character concerns or were subject to a deportation order.
5. Nil.
6. Of the 634 clients reviewed by the Commonwealth Ombudsman, 141 were either removed from Australia or voluntarily departed.