

JOINT SELECT COMMITTEE ON AUSTRALIA'S IMMIGRATION DETENTION NETWORK

Q84

Question: Could you outline for me the basic time spent in detention? Are you able to average for me the time spent by someone who has gone through an appeal? How long does it currently take to get an RSA decision? How long then is the wait and the conduct of the review process? If it is a positive, how long does that then take for that person to be released and resettled in the community? If it is a negative, what is the balance of time then spent in detention?

Answer: The provision of information relating to processing times should be considered in the context of continuously changing environmental and operational factors and the profiles of people in detention.

There are a number of factors that may affect processing times across all processing stages. This may include client transfers for medical reasons, interpreter availability and weather conditions.

The figures provided below are drawn from historical operational data, which were initially held in multiple, manually-maintained data repositories. Due to different sources and methodologies employed over time, these figures may slightly differ from figures published elsewhere. All figures have been rounded to the nearest full day.

Processing times for clients 'found to be a refugee'

The department has based the response for clients 'found to be a refugee' on clients who were granted protection visas during June 2011. This cohort was selected as it provided the most current overview of the average processing times of clients being settled in Australia. A total of 518 clients were granted a protection visa in June 2011, 146 of these having been through a review process. On average clients who were granted a protection visa during June 2011 spent a total of 343 days in detention.

In each of the tables below, it should be noted that once clients have been 'found to be a refugee' they must also satisfy health, security, and character requirements before they are granted a visa.

Table 1. Clients who were found to be a refugee during the primary process

A total of 372 clients were granted protection visas in June 2011 following primary assessment.

Process description	Average processing time
Days between date of detention and screening outcome	29 days
Days between commencement of primary assessment and outcome	136 days
Days between being 'found to be a refugee' and visa grant	132 days
Total average days in detention	297 days

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Table 2. Clients who were found to be a refugee during the review process

A total of 146 clients were granted protection visas in June 2011 following a review process.

Process description	Average processing time
Days between date of detention and screening outcome	69 days
Days between commencement of primary assessment and outcome	60 days
Days between commencement of review assessment and outcome (2)	225 days
Days between being 'found to be a refugee' and visa grant	107 days
Total average days in detention	460 days

(2) Average processing times between primary assessment and review outcome are extended by the need for a second review following the High Court Decision of November 2010. For example, there were 23 clients within the 146 who had a second review. Not including the data concerning the 23 reconsiderations reduces average processing times for the balance of clients by approximately 15 days. Conversely, the average time between primary assessment and second review outcome is more than the average for single review clients. This affects the "days between primary assessment and review outcome" data in the second, third and fourth tables.

Table 3. Clients who were found to be a refugee and granted a visa during June 2011

A total of 518 clients were granted protection visas in June 2011 following a primary and where relevant review process. This table combines both tables 1 and 2.

Process description	Average processing time
Days between date of detention and screening outcome	40 days
Days between commencement of primary assessment and outcome	115 days
Days between commencement of Independent Merits Review assessment and outcome (3)	225 days
Days between being 'found to be a refugee' and visa grant	125 days
Total average days in detention	343 days

(3) This applies only to the 146 clients who undertook the Independent Merits Review

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process. This affects the total average days in detention.

Processing times for clients with a status of 'found not to be a refugee'

The information provided below is based on 2764 clients who as at 30 June 2011 have a processing status of 'found not to be a refugee'. This includes clients who have been 'found not to be a refugee' through either primary or review processes.

Table 4. Average processing times for clients found not to be a refugee

Process description	Average processing time
Days between date of detention and screening outcome	41 days
Days between commencement of primary assessment and outcome	137 days
Days between commencement of Independent Merits Review assessment and outcome	207 days
Days between commencement of judicial review and outcome (4)	139 days

(4) Of the seven clients who have received a judicial review outcome, three received a Federal Magistrates Court decision affirming the review outcome and four were, under mutual agreement, referred back to the Independent Protection Assessment Office for reconsideration. Data on judicial review timeframes will not be based on meaningful volume until late 2011. This also affects the "Days between judicial review outcome and 30 June 2011" data in the fifth table.

Table 5. Average time since most recent decision for clients found not to be a refugee

Process description	Average time since last decision	Number of clients at stage at 30 June 2011
Days between primary outcome and 30 June 2011	143 days	2455 clients
Days between review outcome and 30 June 2011	177 days	302 clients
Days between judicial review outcome and 30 June 2011	21 days	7 clients