



Australian Government
Department of Home Affairs



Department of Home Affairs supplementary submission to the Review into the Migration Amendment (Clarifying International Obligations for Removal) Act 2021

**The Parliamentary Joint Committee on Intelligence and
Security**

9 December 2025

Supplementary submission

The Department of Home Affairs (the Department) welcomes the opportunity to provide a supplementary submission to the Parliamentary Joint Committee on Intelligence and Security's (the Committee) review of the *Migration Amendment (Clarifying International Obligations for Removal) Act 2021* (the CIOR Act).

The Department thanks the Committee for the request for updated information and provides the responses below:

1. *The number of unlawful non-citizens with a protection finding that have been removed under section 198 of the Migration Act 1958 contrary to Australia's non-refoulement obligations since the commencement of the CIOR Act, if any, and the circumstances in which any such removals occurred.*

Australia does not remove unlawful non-citizens in contravention of our international obligations.

2. *The number of decisions made under section 197D of the Migration Act 1958, if any, and the circumstances in which any such decisions were made.*

As at 7 November 2025, the Department has made five decisions under subsection 197D(2) of the *Migration Act 1958* (the Act). These assessments were commenced when a person had a legal barrier to their removal under subsection 197C(3) of the Act, and the Department commenced an assessment under subsection 197D(2) of the Act due to either a change in country information or the person's personal circumstances that may indicate they no longer engage Australia's protection obligations.