

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Legal and Constitutional Affairs References Committee

Inquiry into Offshore processing and resettlement arrangements

Tuesday 5 May 2026

QoN Number: 9

Subject: What percentage of visa cancellation and deportation cases is a direct removal from Australia frustrated

Asked by: Senator Leah Blyth

Question:

Senator Leah Blyth – ‘For the latest period of which we have figures, roughly what percentage of visa cancellation and deportation cases is a direct removal from Australia frustrated because a country refuses to have one of its nationals returned to it, or there are delays in documentation, or Australia cannot lawfully remove the person due to protection.’

Ms Clare Sharp PSM – ‘Senator, will need to take that on notice.’

Senator Leah Blyth – ‘What I might do is I might put the rest that I've got on notice.’

Answer:

The Department of Home Affairs has stringent processes to ensure removals are conducted in accordance with Australia’s removals policies, domestic legislation and international obligations.

Between 1 July 2025 and 31 March 2026, there were 1,861 non-citizens subject to visa cancellation and removal from Australia under section 198 of the *Migration Act 1958*.

Of those 1,861 non-citizens, approximately 1.5% of cases took longer than 6 months to be removed. The reasons included, but were not limited to:

- lack of cooperation of the individual towards their removal planning;
- foreign governments who would not issue travel documents for the purpose of an involuntary removal;
- protracted processing times for foreign travel documents; and/or
- other logistical issues including temporary health concerns preventing removal.

Data includes a range of removals conducted by the Department and Australian Border Force under section 198 of the *Migration Act 1958*, including removals from held immigration detention and those refused immigration clearance at the border.

Following the High Court ruling in *NZYQ* in November 2023, which set a new test on the ability to detain non-citizens in immigration detention, people who have no real prospect of removal from Australia becoming practical in the reasonably foreseeable future cannot be held in immigration detention and removed. This includes people who are found to be owed protection and cannot be removed to their home country, or any other country.