

Appendix C: Overview of immigration detention population

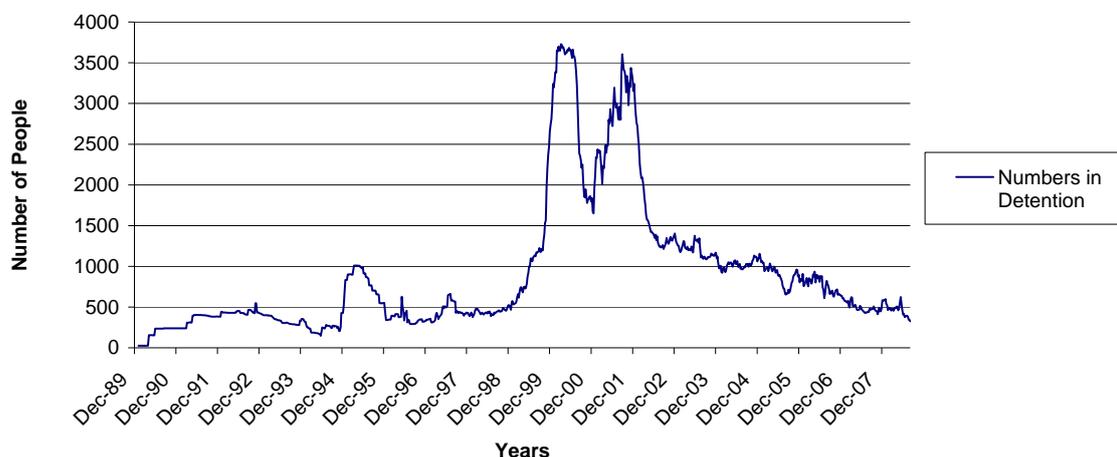
- 1.1 This appendix provides a context to the body of the report by outlining the major characteristics of the immigration detention population and trends in recent years. It acknowledges that the current detention population is different in size and composition to that of 2000-01, when the immigration detention system was put under intense pressure by large numbers of unauthorised boat arrivals. In summary, the trends outlined are of:
- decreasing absolute numbers of people in immigration detention in Australia
 - a detention population of changing composition; that is, a population now dominated by visa overstayers and visa cancellation cases, and
 - a general decrease in the length of immigration detention.

Numbers of people in immigration detention

- 1.2 Figure C.1 illustrates the rise and fall of numbers of people in immigration detention since 1989, when the *Migration Legislation Amendment Act 1989* was passed. The number of people in immigration detention in Australia was at its highest between 2000 and 2002, but dropped dramatically in 2003, and had halved again by 2007. In late 2008, the Minister for Immigration and Citizenship

announced that the number of people in immigration detention was at its lowest level since 1994.¹

Figure C.1 Trends in immigration detention in Australia from 1989 to 2007



Source: Department of Immigration and Citizenship, submission 129d, p 2.

Immigration detention population by mode of arrival

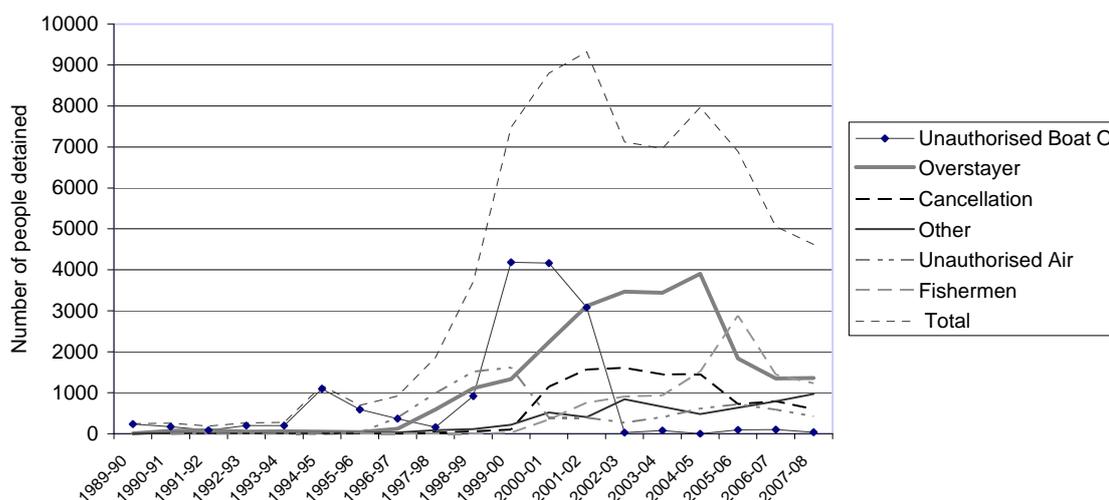
- 1.3 Two groups of people are liable to be taken into immigration detention in Australia: those who arrive unlawfully without a valid visa; and those who enter Australia on a valid visa and then become unlawful, either because their visa expires or they breach the conditions of that visa, resulting in a cancellation.
- 1.4 A common assumption is that Australia's detention policy mainly captures unauthorised boat arrivals claiming asylum under Australia's international obligations. This has been true in the past. Between 1999 and 2002 more than half of those in immigration detention in Australia were unauthorised boat arrivals. It is not, however, the case at the present time. Since 2003, overstayers and those with visa cancellations have been the majority.²
- 1.5 Figure C.2 maps the broad trends in the detention population by arrival type since 1989-90. Of particular note are:
 - peaks in unauthorised boat arrivals in 1994-95 and 2001-02

1 Senator the Hon C Evans, Minister for Immigration and Citizenship, 'Progress made in long-term immigration detention cases, media release, 24 September 2008.

2 See also Department of Immigration and Citizenship, supplementary submission 129, p 12.

- a peak in illegal foreign fishers in 2006, and
- a steady increase in the number of visa overstayers in detention, peaking in 2005 and now declining.

Figure C.2 Trends in immigration detention by arrival type and/or reason for detention



Source: Department of Immigration and Citizenship, supplementary submission 129d, p 2.

1.6 As the Committee heard when they visited Headquarters Northern Command in Darwin, recent years have seen a significant decline in the number of unauthorised boat arrivals intercepted. Reasons for this decline include increased resources invested in security, surveillance and interception in our northern waters and increased cooperation with Indonesia and other partners in our region in managing the numbers of people attempting to sail to Australia through transit countries and people-smuggling operations. It is acknowledged, however, that unauthorised arrivals to Australia will likely continue to fluctuate in response to external factors, such as natural disaster and conflict, and the activities of people smugglers.³

1.7 As at 7 November 2008, there were 46 unauthorised air arrivals and 34 unauthorised boat arrivals in immigration detention. This was out of a total detention population of 279.⁴ The number of unauthorised boat arrivals in detention at this time was in fact higher than for the

3 Senator the Hon C Evans, Minister for Immigration and Citizenship, 'Unauthorised boat arrivals arrive on Christmas Island', media release, 2 October 2008.

4 Department of Immigration and Citizenship, submission 129, p 9.

rest of 2008 as the first two boats to arrive in 2008 were intercepted in September and October.⁵

- 1.8 The majority of the detention population, approximately 80 per cent, is currently comprised of people who have entered the country legally but have overstayed or who have breached the conditions of their visa. DIAC advises that changes in policy emphasis and improved program integrity are reducing the likelihood of detention for this group.⁶
- 1.9 There has also been a fall in the number of illegal foreign fishers in detention from 2879 individuals across 2005-06 to 1232 in the last financial year (2007-08).⁷ This decline is likely to be due to increased cooperation between DIAC, Customs, the Australian Navy, the Department of Fisheries and the Indonesian Government in facilitating faster repatriation of these fishers to their home regions. As of 7 November 2008 there are eight illegal foreign fishers currently in immigration detention.⁸
- 1.10 Figure C.3 illustrates the breakdown, by mode of arrival, of the 4514 people taken into immigration detention during 2007-08.

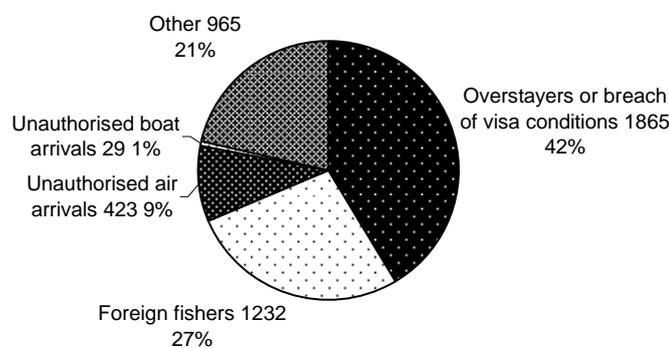
5 As at 21 November 2008, there had been three unauthorised boat arrivals in 2008, on 30 September, 6 October and 20 November.

6 Department of Immigration and Citizenship, submission 129, p 9.

7 Department of Immigration and Citizenship, supplementary submission 129d, p 2.

8 Department of Immigration and Citizenship, *Immigration detention statistics summary*, as at 7 November 2008, viewed on 26 November 2008 at http://www.immi.gov.au/managing-australias-borders/detention/_pdf/immigration-detention-statistics-20081031.pdf.

Figure C.3 People in immigration detention during 2007-08, by arrival type/reason for detention



Source: Department of Immigration and Citizenship, *Annual report 2007-08 (2008)*, p 125.

Source countries of people in detention

- 1.11 The source countries of the immigration detention population is largely determined by international developments such as natural disaster, regional or national conflicts, as well as the source countries for holders of various visa types who may then become unlawful by overstaying or breaching the conditions of their visa.
- 1.12 Between 1998-99 and 2001-02 people fleeing conflict in the Middle East from Afghanistan, Iraq and Iran contributed to the significant increase in the number of unauthorised arrivals by boat, and these nationalities were the most represented in immigration detention.⁹
- 1.13 Table C.1 shows that since 2002-03, however, the most common nationality amongst the detention population was Indonesian. As these figures include illegal foreign fishers, this likely reflects increased numbers and interceptions of illegal fishing vessels entering Australian waters from Indonesia's southern regions.¹⁰

⁹ Parliamentary Library, Part 1, 'Australia and Refugees, 1901-2002: Annotated Chronology Based on Official Sources: Summary', *Chronology No. 2* 2002-03, 16 June 2003.

¹⁰ Hon P Costello MP, Treasurer, Budget Speech 2006 -07, delivered 9 May 2006; Department of Immigration and Citizenship, supplementary submission 129d, p 2.

Table C.1 Nationalities of people detained 2000-01 to 2007-08 (ranked by majority)

2000-01 to 2007-08				
Year	1st rank	2nd rank	3rd rank	4th rank
1996-97	Iraq	Sri Lanka	China, Peoples Republic Of	Somalia
1997-98	Indonesia	China, Peoples Republic Of	Iraq	Sri Lanka
1998-99	Iraq	China, Peoples Republic Of	Afghanistan	Turkey
1999-00	Iraq	Afghanistan	Iran	China, Peoples Republic Of
2000-01	Afghanistan	Iraq	Iran	Indonesia
2001-02	Iraq	Afghanistan	China, Peoples Republic Of	Indonesia
2002-03	Indonesia	China, Peoples Republic Of	Papua New Guinea	Malaysia
2003-04	Indonesia	China, Peoples Republic Of	Malaysia	Korea, South
2004-05	Indonesia	China, Peoples Republic Of	Malaysia	Korea, South
2005-06	Indonesia	Malaysia	China, Peoples Republic Of	Korea, South
2006-07	Indonesia	Malaysia	China, Peoples Republic Of	Philippines
2007-08	Indonesia	Malaysia	China, Peoples Republic Of	India

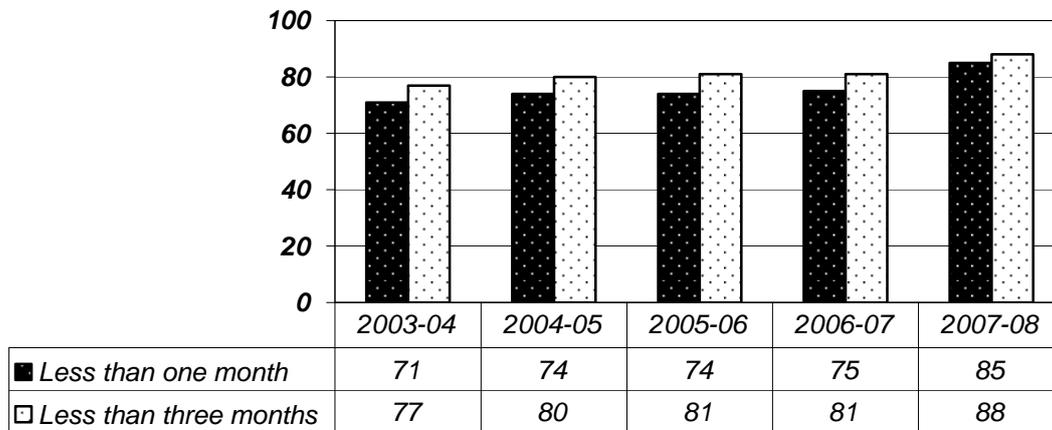
Source: Department of Immigration and Citizenship, supplementary submission 129f, p 2. Data for years prior to 2002-03 has excluded those for whom no nationality is reported.

Length of immigration detention

- 1.14 The length of time individuals spend in immigration detention has been a persistent concern, as highlighted elsewhere in this report. For the majority of individuals, however, detention is for a period less than one month, and this percentage has been improving gradually since 2003-04 (figure C.4).
- 1.15 Since the introduction of mandatory reporting to the Commonwealth Ombudsman there has been a significant decline in the number in people in detention for two years or more particularly from 367 in 2007 to 42 as at 7 November 2008.¹¹

11 Department of Immigration and Citizenship, *Immigration detention statistics summary*, as at 7 November 2008, viewed on 26 November 2008 at http://www.immi.gov.au/managing-australias-borders/detention/_pdf/immigration-detention-statistics-20081031.pdf.

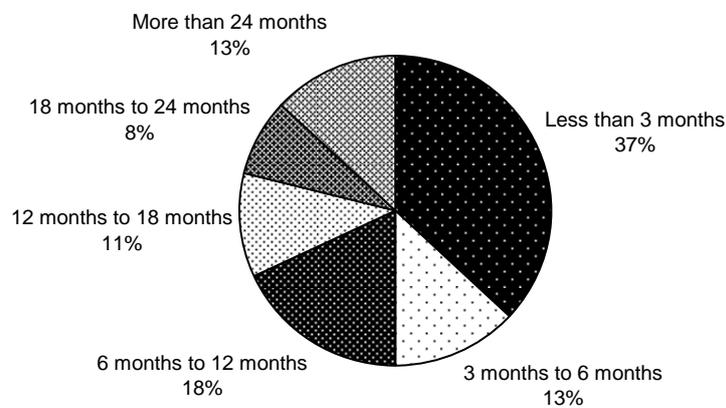
Figure C.4 Percentage of detention population with a length of stay less than three months



Source: Department of Immigration and Citizenship, correspondence, 19 November and 27 November 2008.

1.16 Figure C.5 provides a breakdown of the immigration detention population at 30 June 2008 by the period of time spent in detention.

Figure C.5 People in immigration detention by period detained at 30 June 2008



Source: Department of Immigration and Citizenship, Annual report 2007-08 (2008), p 128.

