

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ADDITIONAL BUDGET ESTIMATES
26 & 27 February 2018

Home Affairs Portfolio

Program 2.3: Visas

Question number and title: AE18/084 - Visa Cancellations

Senator Nick McKim asked:

1. How many Refugee (subclass 200) and Protection (subclass 866) visas have been cancelled each year since 2010 -11 – broken down by year.
2. Under what subsections of the Migration Act have they been cancelled?
3. Have any of these visas been cancelled as a result of incurring an infringement notice?
4. How many of these refugees are currently in a detention facility following visa cancellation?
5. How many are in community detention following visa cancellation?
6. What is the average length of time that these individuals have been accommodated in a detention facility?
7. What is the average period of time an individual, who has served a sentence for a criminal act, remains in immigration detention owing to visa cancellation?

Answer:

1.

Protection and Refugee visa cancellations from 2010-11 to 2017-18 (1 Jul 17 - 28 Feb 18)*

| Visa category | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 (Jul-Feb) |
|-------------------|---------|---------|---------|---------|---------|---------|---------|----------------------|
| Protection | <5 | 8 | 13 | 18 | 43 | 118 | 259 | 130 |
| Refugee** | 22 | 15 | 29 | 54 | 81 | 118 | 198 | 148 |

Figures for 2010-11 to 2016-17 were extracted from Departmental systems on 7 July 2017. Figures for 2017-18 (Jul-Feb) were extracted from Departmental systems on 8 March 2018. As data has been drawn from a live systems environment, the figures provided may differ slightly in previous or future reporting.

* Includes onshore, offshore and unknown breakup is based on the visa holder's TRIPS movement location at the time of latest cancellation. 'Unknown' is a valid value for visa cancellations of clients that have had no recorded movement.

- A visa may be recorded as cancelled more than once. An example of a visa being recorded as cancelled more than once is if the visa is cancelled, the cancellation is subsequently revoked or set aside, and then the visa is cancelled again.

- A cancellation may be revoked or set aside for a number of reasons, including further legal proceedings, and administrative or jurisdictional errors, etc."

** Includes visa subclass 200 (Refugee), 201 (In-Country Special Humanitarian Program), 202 (Global Special Humanitarian Program), 203 (Emergency Rescue) & 204 (Woman at Risk).

Source: Department of Home Affairs, 2018 (RFI 20746)

2.

Protection and Refugee visa cancellations from 2010-11 to 2017-18 (1 Jul 17 - 28 Feb 18)* by cancellation power

| Visa category | Power | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 (Jul-Feb) |
|-------------------|---------|---------|---------|---------|---------|---------|---------|---------|-------------------|
| Protection | s109 | 0 | <5 | 6 | <5 | 24 | 55 | 176 | 85 |
| | s140 | 0 | <5 | 6 | 7 | <5 | 9 | 40 | 27 |
| | s501*** | <5 | <5 | 0 | <5 | <5 | 18 | 28 | 14 |
| | s128 | <5 | 0 | <5 | <5 | 6 | 36 | 11 | <5 |
| | s116 | 0 | <5 | 0 | <5 | 5 | 0 | <5 | <5 |
| Refugee** | s109 | 0 | 0 | 0 | 5 | 5 | 13 | 15 | 17 |
| | s140 | 5 | <5 | 10 | 7 | 18 | 30 | 49 | 76 |
| | s501*** | <5 | <5 | <5 | <5 | 34 | 45 | 98 | 30 |
| | s128 | 16 | 10 | 12 | 39 | 24 | 29 | 35 | 25 |
| | s116 | 0 | 0 | <5 | <5 | 0 | 0 | <5 | 0 |
| | s134B | 0 | 0 | 0 | 0 | 0 | <5 | 0 | 0 |

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* Includes onshore, offshore and unknown breakup is based on the visa holder's TRIPS movement location at the time of latest cancellation. 'Unknown' is a valid value for visa cancellations of clients that have had no recorded movement.

- A visa may be recorded as cancelled more than once. An example of a visa being recorded as cancelled more than once is if the visa is cancelled, the cancellation is subsequently revoked or set aside, and then the visa is cancelled again.

- A cancellation may be revoked or set aside for a number of reasons, including further legal proceedings, and administrative or jurisdictional errors, etc."

** Includes visa subclass Includes visa subclass 200 (Refugee), 201 (In-Country Special Humanitarian Program), 202 (Global Special Humanitarian Program), 203 (Emergency Rescue) & 204 (Woman at Risk).

*** Includes s501F, s501(3A)(a)(i) & s501(3A)(a)(ii).

Source: Department of Home Affairs, 2018 (RFI 20746)

3.

There are no specific grounds for cancellation under the Act based solely on an infringement notice.

4.

As at 28 February 2018, there were 124 unlawful non-citizens in held detention facilities who had their Refugee (subclass 200 to 204) or Protection (subclass 866) visas cancelled between 1 July 2010 and 28 February 2018.

5.

As at 28 February 2018, there were no unlawful non-citizens in community detention (residence determination) who had their Refugee (subclass 200 to 204) or Protection (subclass 866) visas cancelled between 1 July 2010 and 28 February 2018.

6.

Of the 124 unlawful non-citizens whose visas were cancelled (question 4), the average time spent in detention facilities was 416 days.

7.

The Department does not hold statistics on the average period of time foreign nationals, who have served an imprisonment sentence for a criminal act, remain in immigration detention following visa cancellation.