

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
BUDGET ESTIMATES  
MAY 2023**

**Home Affairs Portfolio  
Department of Home Affairs**

**Program 2.3: Refugee Humanitarian, Settlement and Migrant Services**

**BE23-066 - TPV/SHEV - Refused under Fast-Track**

Senator Nick McKim asked:

Mr Pezzullo: Is it exclusively, Mr Kiley, a function of being denied under fast track, or is it the case that in some cases matters are still at merit or judicial review stage?

Mr Kiley: I might be able to answer it in the reverse. There are approximately 19,000 individuals who had a temporary protection visa or a safe haven enterprise visa. They have been found to be owed protection, and they are the individuals that the pathway applies to. There are some other individuals, again, depending on their circumstances, that the pathway may apply to. There are approximately 1,800 people who are still at their initial assessment stage and so, subject to that consideration, they may move onto a resolution of status visa. There are, give or take, 11,000 people for whom the pathway is not available at this point in time. That includes those still at merits or judicial review of—of which there are about 5,200, give or take—those who have been refused with no further matters ongoing and a range of other individuals who, for the most part, have departed or their visas have expired offshore.

Senator McKIM: How many people are in the refused category?

Mr Kiley: Refused with no immigration matters ongoing and still onshore—2,307 as at 10 May this year.

Senator McKIM: Were they all refused under the fast-track process?

Mr Kiley: I don't have that breakdown.

Senator McKIM: Could you take it on notice?

Mr Kiley: I am happy to take that on notice.

...

Senator McKIM: Specifically, has any of that cohort been refused under the fast-track process that Labor when in opposition was very critical of and talked about how unfair it was?

Ms Foster: Mr Kiley says he doesn't have that breakdown and will take that on notice.

*Answer:*

Of the 2,307 persons refused a visa with no immigration matters ongoing and still in Australia (as at 10 May 2023), 1,561 were fast track applicants, and 21 were excluded fast track applicants (that is, excluded from the Fast Track review process). The remaining 725 persons fell outside of the Fast Track definition, including, unauthorised maritime arrivals who entered Australia before 13 August 2012.