

Question on notice no. 456

Portfolio question number: AE21-456

2020-21 Additional estimates

Legal and Constitutional Affairs Committee, Home Affairs Portfolio

Senator Nick McKim: asked the Department of Home Affairs on 22 March 2021—

For the last five financial years, please provide the number of persons in detention (who have previously been found to be owed protection obligations or who arrived in Australia as refugees) in respect of whom the Minister has:

- a. granted a visa under s 195A;
- b. made a residence determination.

Answer —

Please see the attached answer.

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ADDITIONAL ESTIMATES
22 MARCH 2021**

**Home Affairs Portfolio
Department of Home Affairs**

Program 2.3: Visas

AE21-456 - Persons in detention - previously found to be owed protection

Senator Nick McKim asked:

For the last five financial years, please provide the number of persons in detention (who have previously been found to be owed protection obligations or who arrived in Australia as refugees) in respect of whom the Minister has:

- a. granted a visa under s 195A;
- b. made a residence determination.

Answer:

Granted a visa under s195A (of the *Migration Act 1958*)

Financial Year	Number of persons in detention who have previously been found to be owed protection obligations or who arrived in Australia as refugees
2015-16	40
2016-17	10
2017-18	<5
2018-19	<5
2019-20	<5
2020-21*	<5

**as at 31 March 2021*

This information only captures people whom Australia has considered to engage protection obligations – either through assessment of their protection visa applications or by arriving on a visa from the offshore humanitarian program – and then were released from immigration detention through Ministerial Intervention under section 195A of the *Migration Act 1958*.

This information does not include those that the United Nations High Commissioner for Refugees (UNHCR) may have found to be refugees elsewhere.

Residence Determination

Information on the number of persons in detention (who have previously been found to be owed protection obligations or who arrived in Australia as a refugee) for whom the Minister has made residence determination is not available in departmental systems in a reportable format.