

**Question on notice no. 336**

**Portfolio question number: SE21-336**

**2021-22 Supplementary Budget Estimates**

**Legal and Constitutional Affairs Committee, Home Affairs Portfolio**

**Senator Stirling Griff:** asked the Department of Home Affairs on 9 November 2021

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For each month since 19 July 2013 please provide: the number of transitory persons in respect of whom a submission has been made to the Minister contemplating a residence determination.

the number of transitory persons in respect of whom the Minister has made a residence determination.

the number of transitory persons in respect of whom the Minister has declined to make a residence determination.

the number of transitory persons in respect of whom more than one submission has been made to the Minister contemplating a residence determination.

the number of transitory persons in respect of whom the Minister has granted a visa under s 195A

the number of transitory persons in respect of whom the Minister has made a determination under s 46B to allow a transitory person to make a valid application for a visa.

**Answer —**

Please see attached answer.

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
SUPPLEMENTARY BUDGET ESTIMATES  
25 OCTOBER 2021**

**Home Affairs Portfolio  
Department of Home Affairs**

**Program 3.5: Onshore Compliance and Detention**

**SE21-336 - Medical Transfers and Transitory Persons in Australia - Since 19 July 2013**

Senator Stirling Griff asked:

For each month since 19 July 2013 please provide:

- the number of transitory persons in respect of whom a submission has been made to the Minister contemplating a residence determination.
- the number of transitory persons in respect of whom the Minister has made a residence determination.
- the number of transitory persons in respect of whom the Minister has declined to make a residence determination.
- the number of transitory persons in respect of whom more than one submission has been made to the Minister contemplating a residence determination.
- the number of transitory persons in respect of whom the Minister has granted a visa under s195A
- the number of transitory persons in respect of whom the Minister has made a determination under s 46B to allow a transitory person to make a valid application for a visa.

*Answer:*

**Residence Determination**

| <b>Month*</b>            | <b>Referred</b> | <b>Intervened</b> | <b>Declined</b> | <b>Re-Referred</b> |
|--------------------------|-----------------|-------------------|-----------------|--------------------|
| July 2013 - October 2014 | 0               | 0                 | 0               | 0                  |
| November 2014            | <5              | <5                | 0               | 0                  |
| December 2014            | 0               | 0                 | 0               | 0                  |
| January 2015             | 0               | 0                 | 0               | 0                  |
| February 2015            | 10              | 5                 | 5               | 0                  |
| March 2015               | 7               | 7                 | 0               | 0                  |
| April 2015               | <5              | 0                 | 0               | 0                  |
| May 2015                 | 14              | <5                | 0               | 0                  |
| June 2015                | <5              | 10                | 0               | 0                  |
| July 2015                | 9               | <5                | 0               | 0                  |
| August 2015              | 5               | 14                | 0               | 0                  |
| September 2015           | 0               | 0                 | 0               | 0                  |
| October 2015             | 8               | 0                 | <5              | 0                  |

| Month*         | Referred | Intervened | Declined | Re-Referred |
|----------------|----------|------------|----------|-------------|
| November 2015  | 14       | <5         | 0        | 0           |
| December 2015  | 27       | 22         | 0        | <5          |
| January 2016   | 45       | 38         | 0        | 0           |
| February 2016  | 78       | 73         | 0        | 0           |
| March 2016     | 50       | 47         | <5       | <5          |
| April 2016     | 12       | 6          | <5       | 0           |
| May 2016       | 16       | 13         | <5       | 0           |
| June 2016      | 6        | <5         | 9        | 0           |
| July 2016      | <5       | <5         | 0        | 0           |
| August 2016    | 7        | <5         | 0        | 0           |
| September 2016 | 5        | 5          | 0        | 0           |
| October 2016   | 5        | <5         | <5       | 0           |
| November 2016  | 20       | 10         | 0        | 6           |
| December 2016  | 7        | 14         | <5       | <5          |
| January 2017   | 11       | 24         | 0        | <5          |
| February 2017  | 6        | 26         | 0        | <5          |
| March 2017     | 21       | 7          | 0        | <5          |
| April 2017     | 0        | 11         | 0        | 0           |
| May 2017       | 35       | 6          | 0        | <5          |
| June 2017      | 13       | 29         | <5       | <5          |
| July 2017      | 5        | 14         | <5       | 0           |
| August 2017    | <5       | 5          | <5       | <5          |
| September 2017 | 11       | 5          | 0        | 0           |
| October 2017   | <5       | 9          | <5       | 0           |
| November 2017  | 6        | <5         | 0        | <5          |
| December 2017  | 7        | 6          | 0        | 0           |
| January 2018   | 6        | 5          | 0        | <5          |
| February 2018  | <5       | 6          | 0        | 0           |
| March 2018     | 6        | 6          | <5       | <5          |
| April 2018     | 9        | 6          | <5       | 0           |
| May 2018       | 7        | 8          | 0        | <5          |
| June 2018      | <5       | <5         | 0        | 0           |
| July 2018      | 27       | 26         | 0        | 0           |
| August 2018    | 24       | 25         | 0        | 0           |
| September 2018 | 46       | 30         | 0        | <5          |
| October 2018   | 50       | 45         | <5       | 0           |
| November 2018  | 138      | 132        | <5       | 5           |
| December 2018  | 68       | 80         | 0        | 5           |
| January 2019   | 22       | 32         | 0        | 0           |
| February 2019  | 29       | 7          | 0        | 0           |
| March 2019     | 38       | 30         | 15       | <5          |
| April 2019     | 20       | <5         | 0        | 0           |
| May 2019       | 15       | 24         | 0        | <5          |
| June 2019      | <5       | 5          | 5        | 0           |
| July 2019      | 18       | 10         | <5       | 0           |
| August 2019    | 28       | 45         | <5       | <5          |
| September 2019 | 28       | <5         | <5       | <5          |

| Month*         | Referred | Intervened | Declined | Re-Referred |
|----------------|----------|------------|----------|-------------|
| October 2019   | 11       | 7          | 30       | <5          |
| November 2019  | 14       | <5         | 5        | <5          |
| December 2019  | 34       | 9          | <5       | <5          |
| January 2020   | 0        | <5         | <5       | 0           |
| February 2020  | <5       | <5         | 0        | 0           |
| March 2020     | <5       | <5         | 0        | 0           |
| April 2020     | 0        | <5         | 0        | 0           |
| May 2020       | 0        | 0          | 0        | 0           |
| June 2020      | <5       | <5         | 0        | <5          |
| July 2020      | 11       | 0          | 0        | 0           |
| August 2020    | 0        | 11         | 0        | 0           |
| September 2020 | 0        | 0          | 0        | 0           |
| October 2020   | 0        | 0          | 0        | 0           |
| November 2020  | 23       | 23         | 0        | 0           |
| December 2020  | 0        | 0          | 0        | 0           |
| January 2021   | 0        | 0          | 0        | 0           |
| February 2021  | <5       | 0          | 0        | 0           |
| March 2021     | 0        | 0          | 0        | 0           |
| April 2021     | 0        | <5         | 0        | 0           |
| May 2021       | 0        | 0          | 0        | 0           |
| June 2021      | 0        | 0          | 0        | 0           |
| July 2021      | <5       | 0          | 0        | 0           |
| August 2021    | 48       | 42         | 6        | 0           |

*\*The above information is in respect of transitory persons who arrived after 19 July 2013 and were transferred from a regional processing country (RPC) to Australia under section 198B, 198E or 198G of the Migration Act 1958 (the Act) for a temporary purpose.*

The Department received ministerial direction not to refer persons who arrived after 19 July 2013 for consideration under section 197AB of the Act for a possible residence determination. This was formalised in the section 197AB Ministerial Guidelines signed on 18 February 2014, establishing persons who arrived after 19 July 2013 should not be referred for consideration unless there were exceptional circumstances.

The guidelines were later amended (signed 29 March 2015) to specifically include where a person was transferred from an offshore processing centre to Australia for medical treatment or otherwise could be referred for consideration under section 197AB of the Act.

## Section 195A

Information on transitory persons referred to the Minister for consideration under section 195A prior to July 2018 is not available in departmental systems in a reportable format.

| Month*         | Intervened under section 195A to grant a Bridging visa |
|----------------|--|
| July 2018      | 0  |
| August 2018    | 0  |
| September 2018 | 60   |
| October 2018   | 0  |
| November 2018  | 85   |
| December 2018  | 0  |
| January 2019   | 0  |
| February 2019  | 0  |
| March 2019     | 59   |
| April 2019     | 0  |
| May 2019       | 85   |
| June 2019      | 0  |
| July 2019      | 0  |
| August 2019    | 0  |
| September 2019 | 58   |
| October 2019   | 0  |
| November 2019  | 84   |
| December 2019  | 0  |
| January 2020   | 0  |
| February 2020  | 0  |
| March 2020     | 0  |
| April 2020     | 0  |
| May 2020       | <5   |
| June 2020      | 0  |
| July 2020      | 0  |
| August 2020    | 60   |
| September 2020 | 216  |
| October 2020   | 0  |
| November 2020  | 0  |
| December 2020  | 7  |
| January 2021   | 64   |
| February 2021  | 69   |
| March 2021     | 6  |
| April 2021     | 7  |
| May 2021       | <5   |
| June 2021      | 0  |
| July 2021      | 0  |
| August 2021    | <5   |

\*The above information is in respect of transitory persons who arrived after 19 July 2013 and were transferred from an RPC to Australia under section 198B, 198E or 198G of the the Act for a temporary purpose.

## Section 46B

| Month*                    | Intervened under section 46B to allow BVE applications |
|---------------------------|--|
| July 2013 – August 2019   | 0  |
| September 2019            | 58   |
| October 2019 – April 2020 | 0  |
| May 2020                  | 83   |
| June 2020                 | 0  |
| July 2020                 | 0  |
| August 2020               | 0  |
| September 2020            | <5   |
| October 2020              | 0  |
| November 2020             | 0  |
| December 2020             | 0  |
| January 2021              | 0  |
| February 2021             | 0  |
| March 2021                | 260  |
| April 2021                | 0  |
| June 2021                 | 0  |
| July 2021                 | 79   |
| August 2021               | 165  |

*\*The above information is in respect of transitory persons who arrived after 19 July 2013 and were transferred from an RPC to Australia under section 198B, 198E or 198G of the the Act for a temporary purpose*