

**Question on notice no. 343**

**Portfolio question number: SE21-343**

**2021-22 Supplementary Budget Estimates**

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

**Senator Nick McKim:** asked the Department of Home Affairs on 5 November 2021

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Please provide the number of people detained on Christmas Island who:

- a. Have previously held a protection visa, refugee or humanitarian visa (broken down by visa subclass) ?
- b. How many of these are engaged in a visa assessment process, merits review, judicial review or Ministerial intervention process?
- c. How many are stateless?
- d. What is the length of detention (broken down by years of detention across the detention network) ?
- e. How many have had their visa cancelled under s.501 Migration Act?
- f. How many have been convicted and served a custodial sentence?
- g. How many have not been charged?
- h. How many have not been convicted?
- i. How many have not been served a custodial sentence?

**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**

**SE21-343 - Visa Cancellations - Detained on Christmas Island**

Senator Nick McKim asked:

Please provide the number of people detained on Christmas Island who:

- a. Have previously held a protection visa, refugee or humanitarian visa (broken down by visa subclass)?
- b. How many of these are engaged in a visa assessment process, merits review, judicial review or Ministerial intervention process?
- c. How many are stateless?
- d. What is the length of detention (broken down by years of detention across the detention network)?
- e. How many have had their visa cancelled under s.501 Migration Act?
- f. How many have been convicted and served a custodial sentence?
- g. How many have not been charged?
- h. How many have not been convicted?
- i. How many have not been served a custodial sentence?

*Answer:*

- a. As at 31 August 2021, 84 detainees on Christmas Island (including North West Point and Phosphate Hill Alternative Place of Detention) previously held a protection, refugee or humanitarian visa.

**Table: Detainees on Christmas Island (including North West Point IDC and Phosphate Hill APOD who previously held a protection, refugee or humanitarian visa by visa subclass held (as at 31 August 2021)**

Visa subclass held	Detainees
Refugee (subclass 200)	30
Global Special Humanitarian (subclass 202)	34
Woman at Risk (subclass 204)	<10
Temporary Protection (subclass 785)	<5
Safe Haven Enterprise (subclass 790)	<5
Protection (Subclass 866)	12
<b>Total</b>	<b>84</b>

- b. Of the 84 detainees on Christmas Island (North West Point) who previously held a protection, refugee or humanitarian visa (as at 31 August 2021), 55 were engaged in a visa assessment process, merits review, judicial review, or Ministerial intervention process.
- c. Of the 84 detainees on Christmas Island (North West Point) who previously held a protection, refugee or humanitarian visa (as at 31 August 2021), less than five were stateless.

d. **Table: Length of detention (broken down by years of detention across the detention network)**

Total days detained (cumulative)	Detainees
Less than 32 days	0
32 – 91 days	0
92 – 182 days	<5
183 – 365 days	<5
Between one and two years (366 – 730 days)	20
More than two years (greater than 730 days)	58
<b>TOTAL</b>	<b>84</b>

- e. Of the 84 detainees on Christmas Island (including North West Point and Phosphate Hill Alternative Place of Detention) who previously held a protection, refugee or humanitarian visa (as at 31 August 2021), 84 have been cancelled under s501 of the *Migration Act 1958*.
- f. g, h and i.

Data is not available in a reportable format and to create a report would be an unreasonable diversion of resources.