

**Question on notice no. 55**

**Portfolio question number: AE22-055**

**2021-22 Additional estimates**

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

**Senator Nick McKim:** asked the Department of Home Affairs on 14 February 2022

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Senator McKIM: Thanks, Commissioner. Could I ask, in regard to people detained currently or up until recently on Christmas Island, how many have previously held a protection visa or a humanitarian visa? If you don't have that breakdown, I'm happy for that to be provided on notice.

Mr Outram: I'll take it on notice. By and large they are section 501 cancellations, but some of those people who had subsequent visas cancelled did previously hold a protection visa. I'll give you the exact number on notice.

Senator McKIM: Alright, thanks. If you could, as part of that, please provide the committee with a breakdown of what section of the Migration Act they were detained under. You said most in general terms were 501s. That's fine if that's the case. If you have a more detailed breakdown on that, please—

Mr Outram: We'll give you that breakdown.

Senator McKIM: and if they did hold a protection or a humanitarian or a refugee visa, what class that was.

Mr Outram: We'll take that on notice.

**Answer —**

Please see the attached answer.

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ADDITIONAL BUDGET ESTIMATES  
14 FEBRUARY 2022**

**Home Affairs Portfolio  
Australian Border Force**

**Program 3.4: Border Enforcement**

**AE22-055 - Christmas Island detainees**

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Senator McKIM: and if they did hold a protection or a humanitarian or a refugee visa, what class that was.

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*Answer:*

As at 31 December 2021 there were less than 90 persons detained on Christmas Island who have previously held a protection or a humanitarian visa. All of these persons have received an adverse s501 outcome. The table below provides a breakdown of the previously held protection and humanitarian visa subclasses. All individuals within the group were detained under s189(3) of the *Migration Act 1958*.

<b>Detainees on Christmas Island who previously held a protection visa or a humanitarian visa as at 31 December 2021</b>	
<b>Visa subclass</b>	<b>Count</b>
Humanitarian - 200	<b>32</b>
Humanitarian - 202	<b>32</b>
Humanitarian - 204	<b>7</b>
Protection - 785	<b>&lt;5</b>
Protection - 790	<b>&lt;5</b>
Protection - 866	<b>13</b>
<b>Total</b>	<b>&lt;90</b>