

**Question on notice no. 132**

**Portfolio question number: AE22-132**

**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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Of the total number of people in immigration detention who are currently subject to a protection finding, how many have:

- a. An undecided protection visa application before the Department.
- b. A review application before: the AAT or the IAA.

**Answer —**

Please see the attached answer.

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

**Home Affairs Portfolio  
Department of Home Affairs**

**Program 2.4: IMA Offshore Management**

**AE22-132 - Immigration detainees, subject to protection, under review**

Senator Nick McKim asked:

Of the total number of people in immigration detention who are currently subject to a protection finding, how many have:

- a. An undecided protection visa application before the Department.
- b. A review application before: the AAT or the IAA.

*Answer:*

The determination of whether a person in immigration detention has previously had a protection finding within the meaning of s197C(4), (5), (6) of the *Migration Act 1958* is dependent on a case by case assessment of previous protection visa decisions. It is not possible to answer the question without a manual interrogation of each record, which would constitute an unreasonable diversion of resources.

In terms of those who are have current claims regarding protection, as at 31 January 2022, there were 91 people in held immigration detention with an undecided protection visa application before the Department (subclasses 785, 790 or 866).

At at 31 January 2022 there were 32 people in held immigration detention with an application before the AAT or the IAA for review of a decision to refuse a protection visa (subclasses 785, 790 or 866).