

Question on notice no. 133

Portfolio question number: AE22-133

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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Since the commencement of the Migration Amendment (Clarifying International Obligations for Removal) Act 2021 how many individuals subject to a protection finding:

- a. Have been removed from Australia voluntarily;
- b. Have been removed from Australia involuntarily;
- c. Have been granted a visa and released from detention; and
- d. Have been made subject to a residence determination?

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

**AE22-133 - Outcome for those subject to a protection finding since
commencement of MA Act 2021**

Senator Nick McKim asked:

Since the commencement of the Migration Amendment (Clarifying International Obligations for Removal) Act 2021 how many individuals subject to a protection finding:

- a. Have been removed from Australia voluntarily;
- b. Have been removed from Australia involuntarily;
- c. Have been granted a visa and released from detention; and
- d. Have been made subject to a residence determination?

Answer:

Since the commencement of the Migration Amendment (Clarifying International Obligations for Removal) Act 2021, seven individuals who were previously granted a Protection visa have been removed from Australia voluntarily. None have been removed involuntarily.

The determination of whether a person in who was removed from Australia meets the definition in the Clarifying International Obligations for Removal) Act 2021 within the meaning of s197C(4), (5), (6) of the Migration Act 1958 (the Act) but was refused a Protection visa for not meeting other criteria 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.