

Question on notice no. 87

Portfolio question number: BE22-087

2022-23 Budget estimates

Legal and Constitutional Affairs Committee, Home Affairs Portfolio

Senator Nick McKim: asked the Department of Home Affairs on 19 April 2022—

Please provide the Committee with an update of the information provided in the following responses to previous Question on Notice:

SE21-088 - Update on AE21-364

Answer —

Please see the attached answer.

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
BUDGET ESTIMATES
MARCH / APRIL 2022**

**Home Affairs Portfolio
Department of Home Affairs**

Program 2.2: Visas

BE22-087 - Humanitarian Visas Cancelled under ss116 and ss501

Senator Nick McKim asked:

Please provide the Committee with an update of the information provided in the following response to a previous Question on Notice:

SE21-088 - Update on AE21-364

Please update the information provided by the Department in AE21-364 Tables with numbers of humanitarian visas cancelled under ss 116 and 501, and corresponding detention/removals

Answer:

Table 1: Number of protection visas, refugee visas and humanitarian visas (by subclass) cancelled under section 116 of the *Migration Act 1958* (the Act).

Financial Year	Visa Subclass							Total
	200	201	202	449	785	790	866	
2021-22 to 31 Jan	<5				<5	<5		9
2020-21	<5				5	7	<5	15
2019-20		<5			6	6	6	<25
2018-19			<5		8	10	<5	22
2017-18					<5	<5	<5	6
2016-17	<5			<5			<5	6
2015-16								0
2014-15							5	5
Total	<5	<5	<5	<5	<25	28	24	<85

Current financial year figures were extracted from departmental systems on 21 April 2022. As data has been drawn from a live systems environment, the figures provided may differ slightly in previous or future reporting. As data has been drawn from a live systems environment, the figures provided may differ slightly in previous or future reporting.

Table 2: Number of protection visas, refugee visas and humanitarian visas (by subclass) cancelled under section 501 of the Act.

Financial Year	Visa Subclass							Total
	200	201	202	204	785	790	866	
2021-22 to 31 Jan	15	<5	10			<5	<5	<35
2020-21	26		23	5		7	15	76
2019-20	32		40	<5	<10	8	19	107
2018-19	16	<5	25	7	<5	<5	22	75
2017-18	26	<5	19	<5	<5		19	68
2016-17	35		57	5			28	125
2015-16	19		23	<5			18	<65
2014-15	16		14	<5			<5	38
3	185	<5	211	29	7	21	126	<585

Figures were extracted from departmental systems on 21 April 2022. As data has been drawn from a live systems environment, the figures provided may differ slightly in previous or future reporting.

Table 3: Persons detained following cancellation of their protection visas, refugee visas and humanitarian visas under s501 and s116 of the Act.

Detained Financial Year	s501	s116	Total
2021-22 to 31 Jan	38	<5	<45
2020-21	73	5	78
2019-20	86	7	93
2018-19	62	5	67
2017-18	75	0	75
2016-17	71	0	71
2015-16	57	0	57
2014-15	19	0	19
Total	481	<25	<500

Figures were extracted from departmental systems on 21 April 2022. As data has been drawn from a live systems environment, the figures provided may differ slightly in previous or future reporting.

- a) As at 31 January 2022, there were 222 persons in held detention who had their protection visa, refugee visa, or humanitarian visa cancelled under s501 or s116 between 1 July 2014 and 31 January 2022.

Figures were extracted from departmental systems on 21 April 2022. As data has been drawn from a live systems environment, the figures provided may differ slightly in previous or future reporting.

- b) As at 31 January 2022, there was <5 persons in the community on a residence determination who were detained between 1 July 2014 and 31 January 2022 due to their visa being cancelled under s501 or s116 of the Act.

Figures were extracted from departmental systems on 21 April 2022. As data has been drawn from a live systems environment, the figures provided may differ slightly in previous or future reporting.

Table 4: Persons removed from Australia voluntarily, by citizenship country, following cancellation of their protection visa, refugee visa or humanitarian visa under s501 or s116 of the Act.

Citizenship at departure	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22 to 31 Jan
Afghanistan	<5	<5			<5		
Bosnia And Herzegovina		<5					
Burundi							<5
China, Peoples Republic Of						<5	
Colombia		<5					
Ethiopia		<5			<5		
Indonesia				<5			
Iran	<5	<5	<5	<5	<5		
Iraq	<5	<5	<5			<5	<5
Nigeria				<5	<5		
Palestinian Authority		<5					
Republic Of South Sudan				<5			<5
Serbia			<5				
Sierra Leone							<5
Solomon Islands			<5				
Somalia					<5		
Sri Lanka					<5		<5
Stateless Person			<5	<5	<5		<5
Sudan	<5	<5	<5	<5	<5		<5
Timor, East				<5			
Turkey				<5			
Vietnam							<5
Yugoslavia Former			<5				
Zimbabwe			<5			<5	
Total	<5	<10	11	<10	11	<5	14

Citizenship is based on the individual's citizenship at time of removal.

Individuals were removed to their country of origin or a third country.

Figures were extracted from departmental systems on 21 April 2022. As data has been drawn from a live systems environment, the figures provided may differ slightly in previous or future reporting.

Table 5: Persons removed from Australia involuntarily, by citizenship country, following cancellation of their protection visa, refugee visa or humanitarian visa under s501 or s116 of the Act.

Citizenship*	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22 to 31 Jan
Bosnia-Herzegovina						<5	
Eritrea					<5		
Republic Of South Sudan	<5				<5		
Sudan			<5				
Vietnam				<5			
Total	<5	0	<5	<5	<5	<5	0

Citizenship is based on the individual's citizenship at time of removal.

Individuals were removed to their country of origin or a third country.

Figures were extracted from departmental systems on 21 April 2022. As data has been drawn from a live systems environment, the figures provided may differ slightly in previous or future reporting.

Table 6: Persons released from detention on a visa grant having been previously detained due to cancellation of their protection visa, refugee visa, or humanitarian visa under s501 or s116 of the Act.

Released Financial Year	s501	s116	Total
2021-2022 to 31 Jan	13	<5	<20
2020-2021	<20	<5	<20
2019-2020	<20	<5	<20
2018-2019	<20	<5	<20
2017-2018	7	0	7
2016-2017	22	0	22
2015-2016	5	0	5
2014-2015	0	0	0
Total	91	<10	<100

Figures were extracted from departmental systems on 21 April 2022. As data has been drawn from a live systems environment, the figures provided may differ slightly in previous or future reporting.

Financial year breakdown is based on the year of visa cancellation/detention, rather than the year of release through a subsequent visa grant.