

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING : 17 October 2016

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE16/120) - Visas - Programme 2.3: Visas

Senator Carr, Kim (L&CA) written:

In relation to visas:

How many people are currently in Australia on Temporary Protection Visas?

Of that number, how many are waiting for a primary decision?

How many have been (a) approved for permanent residency (b) found to not warrant protection.

How many appeals have been submitted from those people who were found to not warrant protection?

What is the average wait time to access and reach a decision on a Temporary Protection Visa?

What is the longest wait time?

How many people are currently in Australia on Bridging Visas?

Of that number, how many are waiting for (a) a primary decision (b) approved for permanent residency?

How many have been found to not warrant protection?

How many appeals have been submitted from those people who were found to not warrant protection?

What is the average wait time to access and reach a decision on a Bridging Visa?

What is the longest wait time?

Has the DIBP provided advice to the minister about the trends or likely outcome of those cases still waiting to be assessed? If so, what was the advice.

What does DIBP consider to be an economic migrant?

What does DIBP consider to be an economic refugee?

Does DIBP assess asylum seekers to be economic migrants or economic refugees?

For people who arrived by boat prior to a primary decision, are these people assessed as asylum seekers?

Answer:

How many people are currently in Australia on Temporary Protection Visas? Of that number, how many are waiting for a primary decision?

As at 29 September 2016, 2384 Temporary Protection visas (TPVs) have been granted to illegal maritime arrivals (IMAs) that previously formed part of the IMA legacy caseload. As these visas have been granted, none are waiting on a primary decision.

How many have been (a) approved for permanent residency (b) found to not warrant protection?

No TPV holders have been granted permanent residency.

To be eligible for a TPV, all primary applicants must be found either to be a refugee or to engage Australia's protection obligations as there is a real risk the person will suffer

significant harm if removed. They must also satisfy public interest criteria. As at 29 September 2016, 2134 IMAs had their application for a protection visa finally refused. This includes those with decisions affirmed at merits review.

How many appeals have been submitted from those people who were found not to warrant protection?

As at 20 October 2016, 3656 persons (subject to both non Fast Track and Fast Track processing arrangements) whose applications were refused at the primary stage since 19 September 2013 by the Department have submitted an appeal at merits review.

What is the average wait time to access and reach a decision on a Temporary Protection Visa? What is the longest wait time?

The Department is rigorously assessing all applications on their individual merits against the requirements in the *Migration Act 1958*, using the most current and relevant country of origin information. The assessment includes national security, health and identity checks. The processing time varies significantly from case to case and is affected by characteristics such as:

- complexity of individual claims;
- the number of applicants;
- the age of applicants;
- time take for applicants to respond to requests for information; and
- security, character and health requirements.

As at 29 September 2016, the longest period a Fast Track TPV application has been under primary assessment by the Department was 489 days.

How many people are currently in Australia on Bridging Visas? Of that number, how many are waiting for (a) a primary decision (b) approved for permanent residency? What is the average wait time to access and reach a decision on a Bridging Visa? What is the longest wait time?

As at 29 September 2016, 25,171 IMAs in the legacy caseload were living in the community. As at 29 September 2016, 7810 have lodged a TPV or Safe Haven Enterprise visa (SHEV) application. These applications are either undergoing processing by the Department, awaiting the outcome of checks or the receipt of further information from the applicant.

Once an IMA lodges a valid Temporary Protection or Safe Haven Enterprise visa application, they are automatically considered for the grant of an associated bridging visa. In complex cases, including IMAs who are in detention, the decision on whether or not to grant the associated bridging visa may be referred to the Minister.

How many have been found to not warrant protection?

As at 29 September 2016, 2134 TPV and SHEV applications have been refused by the Department and had that refusal decision affirmed through merits review.

How many appeals have been submitted from those people who were found to not warrant protection?

As at 29 September 2016, of the 2134 IMAs who had their application refused and that decision affirmed through merits review, 1486 people had sought judicial review of the refusal decision.

Has the DIBP provided advised to the minister about the trends or likely outcome of those waiting to be assessed? If so, what was the advice.

The Department reports regularly to the Minister on the IMA legacy caseload and associated processing.

What does DIBP consider to be an economic migrant? What does DIBP consider to be an economic refugee? Does DIBP assess asylum seekers to be economic migrants or economic refugees?

The Department assesses people who make an application for a TPV or SHEV against the definition of a “refugee” in the *Migration Act 1958*. The definition of a refugee for a person in Australia is somebody who is:

- outside their country of nationality or former habitual residence (their home country) and
- owing to a “well-founded fear of persecution”, is unable or unwilling to return to their home country or to seek the protection of that country.

For people who arrived by boat prior to a primary decision, are these people assessed as asylum seekers?

Persons who arrived illegally by boat and formed part of the IMA legacy caseload were provided an opportunity to explain their reasons for seeking entry to Australia. This process identified whether further assessment in relation to Australia’s protection or non-refoulment obligations is required.