

## QUESTION TAKEN ON NOTICE

**SUPPLEMENTARY BUDGET ESTIMATES HEARING : 17 October 2016**

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

**(SE16/133) - IMA's in onshore detention - Programme 1.4: IMA Onshore Management**

Senator Carr, Kim (L&CA) written:

In relation to irregular maritime arrivals in onshore detention:

How many stateless people remain in detention in onshore detention?

What is the average timeframe for a stateless person being in detention?

What is the process for dealing with stateless people in detention?

How many detainees are currently in onshore detention, including Christmas Island?

How many are children?

How many are unaccompanied minors?

How many children are currently held in onshore detention?

Why are there children still being held in detention? Please provide detail of each case.

How many people in detention are due to having their visa cancelled on character grounds?

How many are NZ citizens?

How many people have been detained in 2015/16?

How many of those people are NZ citizens?

What is the average length of stay in detention for people who have had their visa mandatorily cancelled on character grounds?

Have any of those currently being detained not served a custodial sentence?

How are the deportations determined?

Are there any key factors the DIBP considers?

Does the DIBP apply the 501 cancellations to those currently incarcerated, or also retrospective cases?

What is the average time taken for the Minister to consider an appeal for a revocation under section 501?

What is the daily cost of detaining someone in the facility on Christmas Island?

*Answer:*

*In relation to irregular maritime arrivals in onshore detention:*

*How many stateless people remain in detention in onshore detention?*

This information is available on the Department's website.

*What is the average timeframe for a stateless person being in detention?*

Information regarding time spent in detention is available on the Department's website.

*What is the process for dealing with stateless people in detention?*

Any non-citizen who has exhausted all avenues to regularise their status in Australia and is not eligible for the grant of a visa, the Department makes every possible effort to return them home or identify countries to which that person has ties, and to negotiate their remittance or resettlement.

*How many detainees are currently in onshore detention, including Christmas Island?*

This information is available on the Department's website.

*How many are children?*

This information is available on the Department's website.

*How many are unaccompanied minors?*

As at 17 October 2016, there was one unaccompanied child in held detention.

*How many children are currently held in onshore detention?*

This information is available on the Department's website.

*Why are there children still being held in detention? Please provide detail of each case.*

There will be occasions where children transit through immigration detention. This can be due to airport turnarounds, people who are in the final stages of removal from Australia or due to criminal or security issues.

The Department will continue to work to resolve matters involving any children and their families in held detention as quickly as possible and will progress their release into the community as a priority where possible.

The person in held detention on this date had breached their community placement conditions by way of an extensive criminal history, including but not limited to, aggravated break and enter, theft, drug offences and suspected access to firearms.

The Department has appropriate support services in place to manage the welfare of this individual, including the use of an independent observer.

*How many people in detention are due to having their visa cancelled on character grounds?*

This information is available on the Department's website.

*How many are NZ citizens?*

This information is available on the Department's website.

*How many people have been detained in 2015/16?*

During the 2015–16 financial year, there were 7,494 people taken into immigration detention.

*How many of those people are NZ citizens?*

599 were New Zealand Citizens.

*What is the average length of stay in detention for people who have had their visa mandatorily cancelled on character grounds?*

As at 17 October 2016, the average length of stay for those mandatorily cancelled on character grounds in onshore held detention was 274 days.

*Have any of those currently being detained not served a custodial sentence?*

While the department receives criminal history and sentencing information from external agencies, it does not disaggregate this data into reportable fields in our systems.

*How are the deportations determined?*

Unlawful non-citizens who have no matters remaining before the Department will be removed from Australia as soon as reasonably practicable.

*Are there any key factors the DIBP considers?*

In arranging the removal of an unlawful non-citizen from Australia, a Removal Availability Assessment is undertaken to determine whether a person is available for removal. The Removal Availability Assessment requires the relevant officer to consider:

- Identity, immigration status at the time of removal, nationality and right of entry into the country of removal;
- Visa applications not yet finalised, merits review, judicial review or requests for ministerial intervention;
- Any unresolved substantial claims, complaints or investigations by third parties or need for pre-removal clearances; and
- Fitness to travel and consideration of any special return needs.

*Does the DIBP apply the 501 cancellations to those currently incarcerated or also retrospective cases?*

Section 501 cancellation powers are defined at section 501 of the *Migration Act 1958*.

*What is the average time taken for the Minister to consider an appeal for a revocation under section 501?*

Of the mandatory cancellation revocation outcomes finalised in the 2016 calendar year (up to and including 17 October 2016), the average case age was 259 days.

*What is the daily cost of detaining someone in the facility on Christmas Island?*

Immigration Detention Facility costs include a combination of fixed and variable costs, some of which are based on detainee numbers and others fixed regardless of the number of detainees.

Onshore detention spending is available in the Portfolio Budget Statements 2016–17 Immigration and Border Protection Portfolio Outcome 1.3.