

## QUESTION TAKEN ON NOTICE

**BUDGET ESTIMATES HEARING: 21-22 May 2007**

IMMIGRATION AND CITIZENSHIP PORTFOLIO

### **(144) Output 1.4: Compliance**

Senator Bartlett asked:

#### s501 cancellations

- a. How many have there been in the last 2 years?
- b. What countries have they been sent back to?
- c. How long have they been in Australia for?
- d. What were their visas cancelled for?

*Answer:*

- a. There were 144 s501 cancellations under the *Migration Act 1958* (the Act) for the period 1 July 2005 through to 1 June 2007.
- b. People who are cancelled under s501 are usually returned to their country of nationality. A person may be returned to a country that is not their country of nationality (i.e. a third country) if they have the right of entry to and long term stay in the third country.

People were returned to the following countries:

<b>Country Departed To</b>
Bosnia-Herzegovina
Bulgaria
China, Peoples Republic of
Korea, Republic of
Malaysia
Netherlands
New Zealand
Portugal
Romania
South Africa, Republic of
Tonga
Turkey
United Kingdom
Vietnam

- c. The Department's database does not record information on how long each person that has been cancelled has been in Australia. Each case is different, and individuals may spend considerable periods outside Australia. Such information can only be obtained by manually checking each individual's records and this would require a substantial diversion of resources. It should be noted that visa cancellation

under s501 of the Act is utilised for all visa holders including long-term residents of Australia.

d. Each person that has had their visa cancelled on character grounds has had his or her case considered on its merits, and the reasons are held on an individual's records. Obtaining this information would require undertaking a comprehensive manual file search, which would require a substantial diversion of departmental resources. Non-citizens may be found to breach the character test due to their substantial criminal record, their past or present criminal or general conduct and/or their association with an organisation or person involved in criminal conduct.