

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 20 OCTOBER 2009

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(92) Programs 4.1: Visa Compliance and Status Resolution

Senator Fierravanti-Wells asked:

Further to questions taken on notice, please include a profile of overstayers for the past 5 years including:

- a. categories of original visa;
- b. average range of time of the overstay for each category;
- c. how many were taken into detention (including figures for the past 5 years);
- d. how many sought to claim asylum;
- e. how many of those that sought asylum were successful and how many were rejected;
- f. in relation to those who were rejected, how much time expired between their claim for asylum was not upheld and their deportation; and
- g. how many of those that sought asylum undertook legal proceedings and the length of those proceedings.

Answer:

A breakdown of people who overstayed their temporary visa in each of the last five years by visa category and length of overstay is not available.

A sampling of people who became overstayers in June 2007 (around 1 400 people) was completed in June 2008 to provide an indication of what happens to overstayers over time.

This sample indicated that by June 2008 around:

- 45% had resolved their immigration status by departing Australia or being granted a substantive visa; and
- 55% had their immigration status unresolved and were either:
 - in the community unlawfully - 85% or
 - lawfully in the community on a Bridging visa - 15%.

The following is a breakdown of the 30 June 2009 estimate of overstayers, focusing on only those who had overstayed their temporary visa by five years or less and were still unlawful.

- a. The visas originally held by these people were in the following categories:
 - Visitors 77%
 - Students 13%
 - Temporary Residents 4%
 - Other visas 6%

b. Length of overstay for Visitors:

• Less than 12 months	38%
• 1 to 2 years	22%
• 2 to 3 years	16%
• 3 to 4 years	14%
• 4 to 5 years	10%

Length of overstay for Students:

• Less than 12 months	65%
• 1 to 2 years	16%
• 2 to 3 years	9%
• 3 to 4 years	5%
• 4 to 5 years	5%

Length of overstay for Temporary Residents:

• Less than 12 months	66%
• 1 to 2 years	16%
• 2 to 3 years	9%
• 3 to 4 years	6%
• 4 to 5 years	3%

c. Number of people who were detained as a result of them overstaying their temporary visa or breaching the conditions of their visa (including section 501 cancellées) for the last five years:

• 2004-05	5 319
• 2005-06	2 099
• 2006-07	1 797
• 2007-08	1 865
• 2008-09	1 372

People detained during these financial years did not necessarily overstay or have their visa cancelled, during those same periods.

d. Detail is not available for overstayers who were detained and then sought to claim asylum.

e. See response to part (d).

f. See response to part (d).

g. See response to part (d).