

Australian Government

Department of Immigration and Border Protection

IMA Legacy Caseload

Report on Status and Processing Outcomes

May 2017

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About this report

Coverage

This report provides information on the immigration status, location and nationality of the cohort of Illegal Maritime Arrivals (IMAs) referred to as the IMA Legacy Caseload. Within this caseload there are two major groups:

– the non-fast track cohort includes IMAs who arrived prior to 13 August 2012 and had not made a protection visa application that was finalised at 18 September 2013[1]; and

– the fast track cohort includes IMAs who arrived on or after 13 August 2012 and are subject to the protection assessment process introduced by the *Resolving the Asylum Legacy Caseload (RALC) Act 2014* (Cth).

IMAs can only apply for a Temporary Protection Visa (subclass 785) (TPV) or a Safe Haven Enterprise Visa (subclass 790) (SHEV) if the Minister has made a decision that it is in the public interest to lift a legislative bar on making valid visa application in Australia. Where the Minister lifts the bar, the Department will advise the IMA that they are eligible to apply for a TPV or a SHEV.

Data sources and currency

The data sources for this report are based on a range of DIBP systems. As data has been drawn from a dynamic system environment, the information is correct at the time of publication and figures may differ slightly from previous or future reporting. As an end of month report, the data date used is the closest to the end of the calendar month.

Data for May 2017 is at 31 May 2017. Data for April 2017 is at 30 April 2017.

Glossary of terms

Country of citizenship – the claimed country of citizenship at the time of lodging an application for a protection visa.

Illegal Maritime Arrival (IMA) – an IMA is a person who entered Australia by sea without authority and became an unlawful non-citizen upon entry. All babies born to IMA parents are also an IMA.

Processing status – an application undergoing necessary administrative processing through a number of stages from lodgement to when the application is finalised.

Residence determination – is a determination, which the Minister makes under s. 197AB of the *Migration Act 1958* (Cth) that a person can reside at a specified place in the community instead of held detention (previously referred to as 'community placement'). Recipients subject to a residence determination are free to move about the community but are legally detained.

Further information

For further information about the processing arrangements that apply to the IMA Legacy Caseload please visit the Department's website at www.ima.border.gov.au.

Any comments or enquiries concerning this report should be sent to pv.data@border.gov.au quoting report name and month.

IMA Legacy Caseload – Summary

Table 1 Main processing status (total IMA Legacy Caseload)

Processing status	May 2017	April 2017
Applied and on hand[2]	14,311	13,712
Fast track	13,270	12,608
Non-fast track	1,041	1,104
Applications not yet lodged[3]	6,313	7,853
Applications finalised[4]	10,361	9,423
Total[5]	**30,985**	**30,988**

Graph 1 Main processing status (total IMA Legacy Caseload)

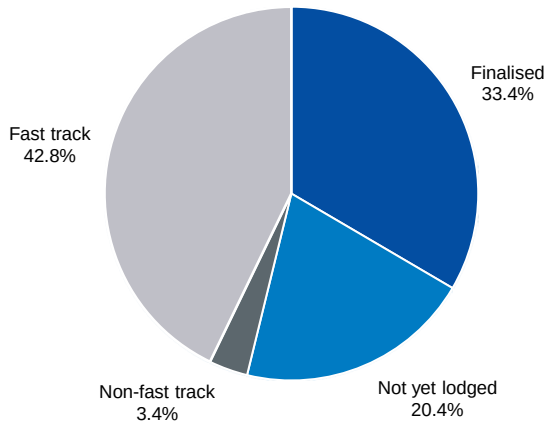


Table 2 State and territory of residence – not applied and on hand applications

State and territory of residence	May 2017		April 2017	
	On hand	Not applied	On hand	Not applied
New South Wales (NSW)	5,532	2,452	**5,255**	**3,027**
Victoria (Vic)	5,266	3,107	**4,993**	**3,777**
Queensland (Qld)	1,398	303	**1,347**	**454**
South Australia (SA)	1,158	162	**1,166**	**224**
Western Australia (WA)	749	228	**748**	**304**
Australian Capital Territory (ACT)	116	19	**113**	**21**
Northern Territory (NT)	58	31	**55**	**33**
Tasmania (Tas)	34	11	**35**	**13**
Sub-total	**14,311**	**6,313**	**13,712**	**7,853**
Total		**20,624**		**21,565**

Graph 2 State and territory of residence – on hand applications

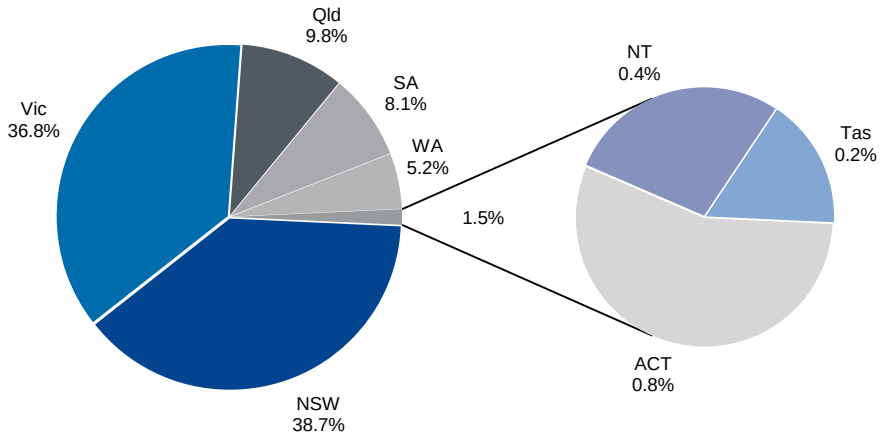


Table 3 Main citizenships[6] – not applied and on hand applications

Country of citizenship	May 2017	April 2017
Iran	6,660	6,905
Sri Lanka	3,821	3,989
Stateless	2,544	2,576
Afghanistan	2,475	2,758
Pakistan	1,460	1,546
Iraq	1,032	1,077
Vietnam	545	571
Bangladesh	429	433
Other	1,658	1,710
Total	**20,624**	**21,565**

Graph 3 Main citizenships[6] – not applied and on hand applications

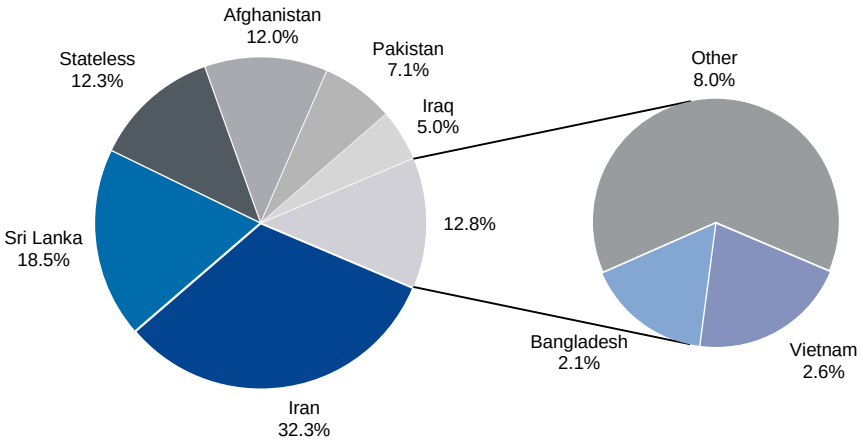


Table 4 Immigration status[7] – not applied and on hand applications

Detention status	May 2017	April 2017
Held detention[8]	145	154
Residence determination	119	129
In community	20,360	21,282
Total	**20,624**	**21,565**

IMA Legacy Caseload – Processing status

Table 5 Non-fast track applications[9] by processing status

Processing status			May 2017	April 2017
	TPV	SHEV	Total	Total
Applied and on hand[2]				
Primary – at assessment[10]	152	344	**496**	**490**
Primary – awaiting checks[11]	72	54	**126**	**157**
On hand other[12]	379	40	**419**	**457**
Total	**603**	**438**	**1,041**	**1,104**
Applications finalised[4]				
Primary grants	947	263	**1,210**	**1,136**
Post-review grants[13]	2,051	0	**2,051**	**2,013**
Finalised refusals[14]	1,867	45	**1,912**	**1,899**
Total	**4,865**	**308**	**5,173**	**5,048**

Table 6 Fast track applications by processing status

Processing status			May 2017	April 2017
	TPV	SHEV	Total	Total
Applied and on hand[2]				
Primary – at assessment[10]	1,657	9,736	**11,393**	**10,542**
Primary – awaiting checks[11]	121	528	**649**	**882**
On hand other[12]	295	933	**1,228**	**1, 184**
Total	**2,073**	**11,197**	**13,270**	**12,608**
Applications finalised[4]				
Primary grants	975	2,846	**3,821**	**3,150**
Post-review grants[13]	65	142	**207**	**170**
Finalised refusals[14]	318	842	**1,160**	**1,055**
Total	**1,358**	**3,830**	**5,188**	**4,375**
Applications not yet lodged[3]	**N/A**	**N/A**	**6,313**	**7,853**

Technical notes

1. 18 September 2013 refers to the date on which the Liberal–National Coalition Government was sworn into office. Applications on hand and those IMAs who had not yet commenced a protection assessment process at this time are considered to fall within the IMA Legacy Caseload.
2. ‘Applied and on hand’ refers to valid protection visa applications which the Department has received and is currently processing and assessing. It includes applications being processed at a merits review tribunal.
3. ‘Applications not yet lodged’ refers to IMAs remaining in the IMA Legacy Caseload who have not yet lodged a valid protection visa application.
4. ‘Applications finalised’ refers to applications on which the Department has made a decision – either a grant or refusal, including where the merits review has affirmed the Department’s decision. Figures exclude applications that have been finalised for others reasons (for example, where a person departed Australia or applications which are withdrawn).
5. The total IMA Legacy Caseload may change over time. For example, babies who are born to persons within the caseload are counted as part of the caseload. Apart from cases finally determined, persons may also be removed from the caseload due to departures (voluntary and involuntary), deaths, invalid or withdrawn applications.
6. Table 3 and Graph 3 show a list of countries of citizenship which the persons in the caseload claimed upon arrival to Australia. This citizenship may not have been independently confirmed by the Department.
7. Figures exclude certain cohorts of IMAs that do not form part of the IMA Legacy Caseload (for example, medical transferees from a Regional Processing Centre).
8. 'Held detention' includes a small number of IMAs who are in correctional facilities.
9. 'Non-fast track applications' includes a small number of cases processed under the non-statutory Protection Obligations Determination (POD) or Refugee Status Assessment (RSA) processes that were in place prior to March 2012.
10. ‘Primary – at assessment’ includes persons granted a TPV who have subsequently re-applied for a SHEV.
11. 'Primary – awaiting checks' includes applications where the applicant has been indicatively found not to be a refugee but the application is in the process of being quality checked prior to the completion of the primary decision.
12. 'On hand other' includes applications at a range of post-primary stages – the merits review (either with the Administrative Appeals Tribunal (AAT), Immigration Assessment Authority (IAA) or in the period during which review can be sought – "the review window"), remittals from review (merits or judicial) undergoing checks prior to finalisation, and applications not elsewhere classified.
13. ‘Post-review grants’ includes IMAs granted a visa after a remittal to the Department following a merits or judicial review.
14. ‘Finalised refusals’ includes applications undergoing ministerial intervention or judicial review.