Australian Government
Department of Immigration and Border Protection

IMA Legacy Caseload

Report on Status and Processing Outcomes

October 2016

About this report

This report provides recent 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 caseload includes IMAs who arrived prior to 13 August 2012 and had not made a protection visa application that was finalised as at 18 September 2013.
- 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 Act 2014*.

IMAs are only able to apply for a subclass 785 Temporary Protection Visa (TPV) or a subclass 790 Safe Haven Enterprise Visa (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 can apply for a TPV or SHEV.

Further information about the processing arrangements that apply to the IMA legacy cohort can be found on the Department's website.

See: www.ima.border.gov.au

IMA LEGACY CASELOAD - SUMMARY INFORMATION

NOTE: Data is as at **20 October 2016**. Data for previous report is as at **29 September 2016**. For further detail see Technical Notes section.

Table 1: Main processing status

Processing status	October 2016	September 2016
Not applied	15,340	15,986
Applied and onhand - Fast Track	8,028	7,528
Applied and onhand - Non Fast Track	2,081	2,133
Total - applied and onhand	10,109	9,661
Application finalised	5,280	5,019
Total[1]	**30,729**	**30,666**

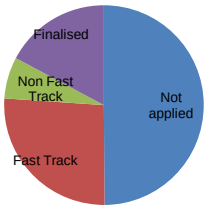


Table 2: State and territory of residence - not applied and onhand applications

State of residence	October 2016	September 2016
New South Wales	9,533	9,569
Victoria	9,878	9,914
Queensland	2,400	2,435
Western Australia	1,509	1,566
South Australia	1,693	1,717
Tasmania	67	73
Northern Territory	94	156
ACT	155	95
Not recorded	120	122
Total	**25,449**	**25,647**

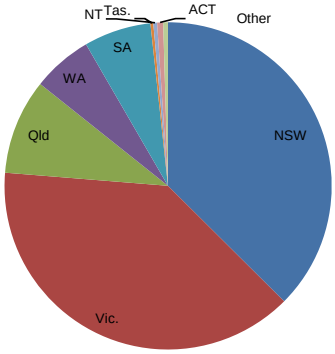


Table 3: Main stated[2] nationalities

Citizenship	October 2016	September 2016
Iran	7,703	7,727
Sri Lanka	4,788	4,852
Afghanistan	3,915	4,000
Stateless	2,775	2,777
Pakistan	1,819	1,826
Iraq	1,393	1,405
Vietnam	682	682
Bangladesh	491	498
Other	1,883	1,880
Total	**25,449**	**25,647**

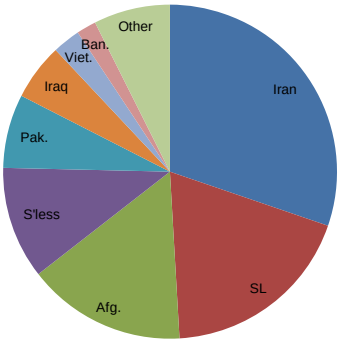


Table 4: Immigration status[3]

Detention Status[4]	October 2016	September 2016
Held Detention	222	249
Residence Determination	190	227
In community	25,037	25,171
Total	**25,449**	**25,647**

IMA LEGACY CASELOAD - PROCESSING STATUS: NON-FAST TRACK CASES

NOTE: Data is as at **20 October 2016**. Data for previous report is as at **29 September 2016**. For further detail see Technical Notes section.

The non-Fast Track cohort includes persons who arrived as illegal maritime arrivals prior to 13 August 2012 and had made an application[5] for protection that was not finalised as at 18 September 2013[6].

Table 5: Non-Fast track applications[5] by processing status

Processing status	October 2016			September 2016
	TPV	SHEV	Total	Total
Case on hand	1,662	419	2,081	2,133
Primary - at assessment[7]	36	344	380	374
Primary - awaiting checks[12]	384	74	458	474
Onhand other[8]	1,242	1	1,243	1,285
Application finalised[9]	3,915	45	3,960	3,918
Primary grant	583	18	601	547
Post review grant[10]	1,570	-	1,570	1,530
Finalised refusal[11]	1,762	27	1,789	1,841

IMA LEGACY CASELOAD - PROCESSING STATUS: FAST TRACK CASES

The Fast Track cohort includes persons who arrived as illegal maritime arrivals on or after 13 August 2012 and otherwise satisfy the definition of a Fast track applicant. This may include persons who have made an application for a s/c 785 Temporary Protection visa (TPV) or a s/c 790 Safe Haven Enterprise visa (SHEV).

Table 6: Fast track applications by processing status

Processing Status	October 2016			September 2016
	TPV	SHEV	Total	Total
Applcation Not Yet Lodged	n/a	n/a	15,340	15,986
Case on hand	1,953	6,075	8,028	7,528
Primary - at assessment[7]	1,535	5,003	6,538	6,210
Primary - awaiting checks[12]	247	551	798	752
Onhand other[8]	171	521	692	566
Application finalised[9]	484	836	1,320	1,101
Primary grant	347	562	909	771
Post review grant[10]	17	28	45	37
Finalised refusal[11]	120	246	366	293

GLOSSARY OF TERMS

Fast track - The Fast track protection assessment process introduced by the *Resolving the Asylum Legacy Caseload (RALC) Act* in December 2014.

Application Finalised - When a case has been decided as either a grant or a refusal including where merits review has affirmed the department's decision.

IMA - Refers to persons who arrived in Australia as illegal maritime arrivals.

Onhand - Applications that are with the Department that are currently undergoing processing.

Post Review Grant - Grants that occur after a case is remitted to the department by the Migration and Refugee Division of the Administrative Appeals Tribunal or the Immigration Assessment Authority or cases affected by judicial review outcomes.

Unauthorised Maritime Arrival - Has the meaning given under s5AA of the Migration Act 1958 as amended by the Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Act 2013. Section 5AA provides that a person is an unauthorised maritime arrival if the person entered Australia by sea at an excised offshore place at any time after the excision time for that place.

TECHNICAL NOTES FOR USE

The data sources for this report are based on a range of DIBP systems. For ease of reference the data date for this report is considered to be that for the primary source, the PV Data Business Objects Database. As an end of month report, this report uses the data dates closest to the end of the calendar month.

1. The total IMA legacy caseload may change over time as babies are born to persons within the caseload and are thus counted as part of the caseload. Apart from cases finally determined persons may also be removed from the IMA legacy caseload due to departures (voluntary and involuntary), deaths, invalid or withdrawn applications.
2. The nationalities shown in table 3 are self reported nationalities of persons in the IMA legacy caseload. This nationality may not have been independently confirmed by DIBP.
3. Figures exclude certain cohorts of IMAs such as medical transferees from a Regional Processing Centre as they do not form part of the IMA legacy caseload.
4. 'Held detention' includes a small number in correctional facilities, 'Residence Determination' is a determination by the Minister under section 197AB of the Migration Act1958 (Cth) that a person can reside at a specified place in the community instead of Held Detention. Sometimes referred to as ‘Community Placement’. Recipients subject to a Residence Determination are free to move about the community but are legally detained.
5. 'Non-Fast Track applications' include 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.
6. 18 September 2013 refers to the date on which the Abbott coalition government was sworn into office. Applications on hand and those who had not yet commenced a protection assessment process at this time are considered to fall within the IMA legacy caseload.
7. Onhand primary also includes persons granted a TPV who have subsequently re-applied for a SHEV.
8. 'Onhand Other' includes applications at a range of post-primary stages including at merits review with the Administrative Appeals Tribunal or in the period during which review can be sought ("the review window"). This also includes applications remitted from review and undergoing checks prior to finalisation. Onhand applications that are not elsewhere classified are also included in this status.
9. Figures exclude applications that have been otherwise finalised such as where a person voluntarily departed Australia.
10. Post review grant includes IMAs being granted a visa after being remitted to the department by the Migration and Refugee Division of the Administrative Appeals Tribunal or the Immigration Assessment Authority and those affected by judicial review outcomes.
11. Finalised refusals may be undergoing Ministerial Intervention or judicial review. Cases remitted from judicial review will return to an on hand status.
12. For the Fast track cohort 'Primary - Awaiting checks' includes cases that have been found to be indicatively not a refugee that are in the process of being Quality checked prior to the completion of the primary decision.

ENQUIRIES

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