

Australian Government

Department of Immigration and Border Protection

IMA Legacy Caseload

Report on the Processing Status and Outcomes

October 2017

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About this report

Coverage

This report provides information on the processing status and outcomes of the applicants who are Illegal Maritime Arrivals (IMAs) and are in 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 October 2017 is at 1 November 2017. Data for September 2017 is at 30 September 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 – relates to a processing stage of an application undergoing the administrative decision-making process, from lodgement to when the application is finalised.

Residence determination – is a determination, which the Minister makes under section 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.border.gov.au.

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

Summary

Table 1 shows the number of people from the IMA Legacy Caseload who:

- have submitted a valid application that is currently being processed; or
- had their application finalised – either granted or refused.

Table 1 IMAs across main processing stages

Processing stage	October 2017	September 2017
Applied and on hand or at review[2]	17,242	17,695
Fast track	16,362	16,803
Non-fast track	880	892
Applications finalised[3]	13,629	13,254
Total[4]	**30,871**	**31,020**

Graph 1 IMAs across main processing stages

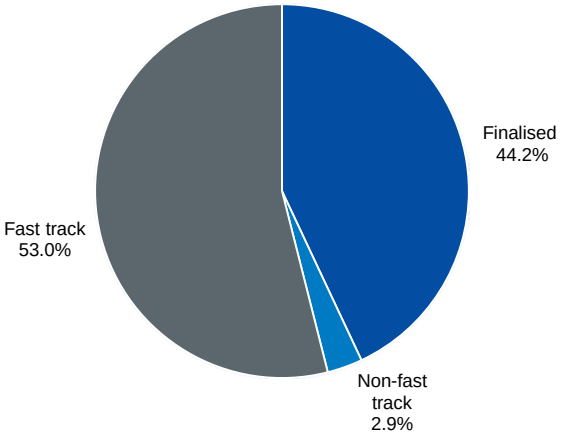


Table 2 State and territory of residence – on hand or at review applications

State and territory of residence	October 2017	September 2017
New South Wales (NSW)	6,724	6,921
Victoria (Vic)	7,347	7,459
Queensland (Qld)	1,252	1,340
South Australia (SA)	1,046	1,059
Western Australia (WA)	664	694
Australian Capital Territory (ACT)	105	110
Northern Territory (NT)	68	71
Tasmania (Tas)	36	41
Total	**17,242**	**17,695**

<10 – the data has been masked to protect confidentiality of individuals.

Graph 2 State and territory of residence – on hand or at review applications

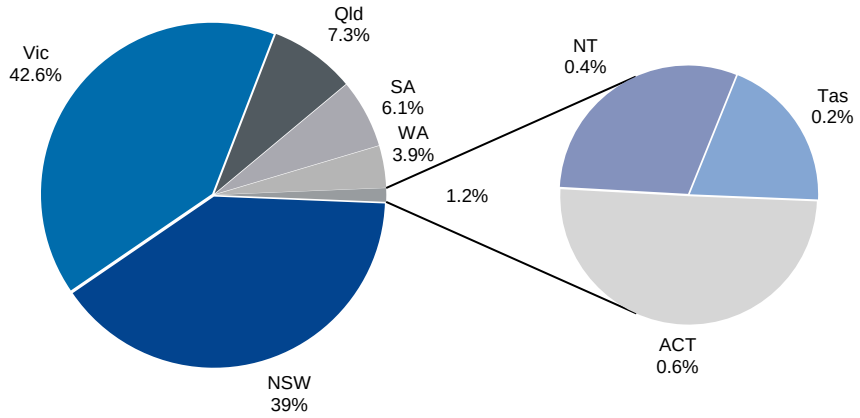


Table 3 Main citizenships[5] – on hand or at review applications

Country of citizenship	October 2017	September 2017
Iran	5,725	5,847
Sri Lanka	3,137	3,219
Stateless	2,314	2,370
Afghanistan	1,828	1,895
Pakistan	1,170	1,199
Iraq	777	815
Vietnam	471	466
Bangladesh	411	415
Other	1,409	1,469
Total	**17,242**	**17,695**

Graph 3 Main citizenships[5] – on hand or at review applications

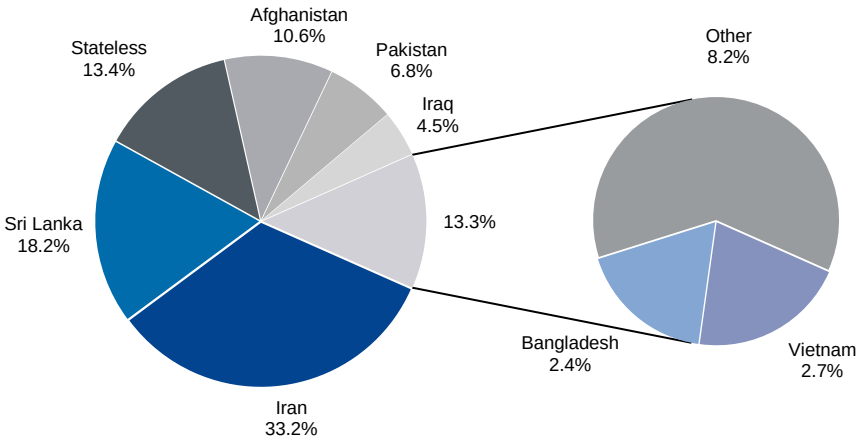


Table 4 Immigration status[6] – on hand at review applications

Status	October 2017	September 2017
Held detention[7]	125	126
Residence determination	83	92
In community	17,034	17,477
Total	**17,242**	**17,695**

IMA Legacy Caseload – Processing status

Table 5 Non-fast track applications[8] by processing status

Processing status			October 2017	September 2017
	TPV	SHEV	Total	Total
Applied and on hand[2]				
Primary – at assessment[9]	87	289	**376**	**412**
Primary – awaiting checks[10]	32	42	**74**	**69**
Review and other[11]	290	140	**430**	**411**
Total	**409**	**471**	**880**	**892**
Applications finalised[3]				
Finalised grants[12]	3,179	342	**3,521**	**3,513**
Finalised refusals[13]	1,814	13	**1,827**	**1,831**
Total	**4,993**	**355**	**5,348**	**5,344**

Table 6 Fast track applications by processing status

Processing status			October 2017	September 2017
	TPV	SHEV	Total	Total
Applied and on hand[2]				
Primary – at assessment[9]	1,715	12,768	**14,483**	**14,894**
Primary – awaiting checks[10]	109	376	**485**	**496**
Review and other[11]	226	1,168	**1,394**	**1,413**
Total	**2,050**	**14,312**	**16,362**	**16,803**
Applications finalised[3]				
Finalised grants[12]	1,434	5,035	**6,469**	**6,153**
Finalised refusals[13]	463	1,349	**1,812**	**1,757**
Total	**1,897**	**6,384**	**8,281**	**7,910**

Technical notes

1. 18 September 2013 refers to the date on which the Operation Sovereign Borders Commenced. 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 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).
4. This number represents people from the IMA Legacy Caseload who have submitted a valid application that is currently being processed or had their application finalised – either granted or refused. This is not equal to the total number of people who are considered to have ‘ever’ been in the IMA Legacy Caseload. For example, people who died or departed prior to their application being finalised are not counted in this total as their applications were not processed to finalisation.
5. 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.
6. 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).
7. 'Held detention' includes a small number of IMAs who are in correctional facilities.
8. '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.
9. ‘Primary – at assessment’ includes persons granted a TPV who have subsequently re-applied for a SHEV.
10. '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.
11. 'Review and 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.
12. ‘Finalised grants’ also includes IMAs granted a visa after a remittal to the Department following a merits or judicial review.
13. ‘Finalised refusals’ includes applications undergoing ministerial intervention or judicial review.