

Australian Government

Department of Home Affairs

IMA Legacy Caseload

Report on Processing Status and Outcomes

December 2020

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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.

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 a 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 departmental 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 December is at 4 January 2021. Data for November is at 1 December 2020.

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 IMAs.

Processing status – relates to the processing stage of an application during 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

Any comments or enquiries concerning this report should be sent to quoting the report name and month.

Table 1 shows the number of people in 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	December 2020	November 2020
Applied and on hand or at review[1]	4,707	4,795
Applications finalised[2]	26,548	26,428
Total[3]	**31,255**	**31,223**

Graph 1 IMAs across main processing stages

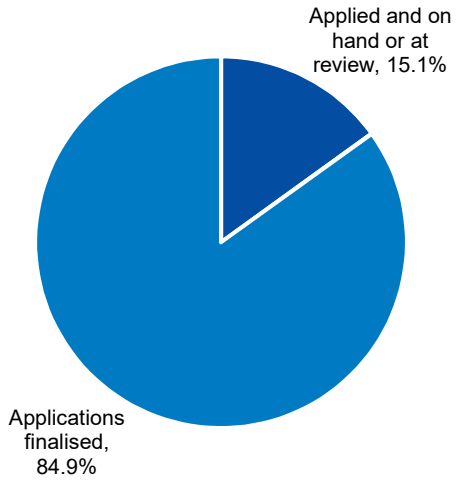


Table 2 State and territory of residence[4] – finalised grants[5]

State and territory of residence	December 2020	November 2020
Victoria (Vic)	6,343	6,319
New South Wales (NSW)	6,165	6,137
Queensland (Qld)	2,184	2,185
South Australia (SA)	1,775	1,775
Western Australia (WA)	969	966
Australian Capital Territory (ACT)	372	372
Northern Territory (NT)	57	56
Tasmania (Tas)	55	55
Total	**17,920**	**17,865**

Graph 2 State and territory of residence – finalised grants

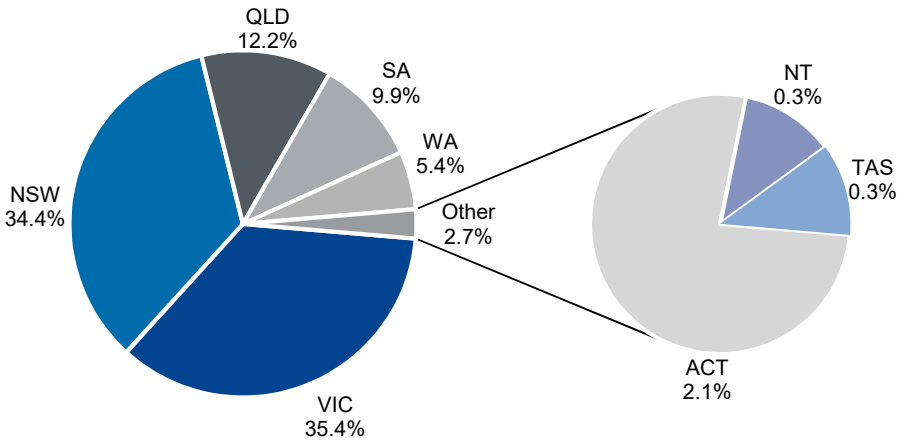


Table 3 Main citizenships[6] – finalised grants

Country of citizenship	December 2020	November 2020
Iran	5,636	5,604
Afghanistan	4,226	4,216
Stateless	2,168	2,171
Sri Lanka	2,111	2,108
Pakistan	1,244	1,240
Iraq	1,047	1,047
Sudan	382	381
Somalia	275	275
Other	831	823
Total	**17,920**	**17,865**

Graph 3 Main citizenships – finalised grants

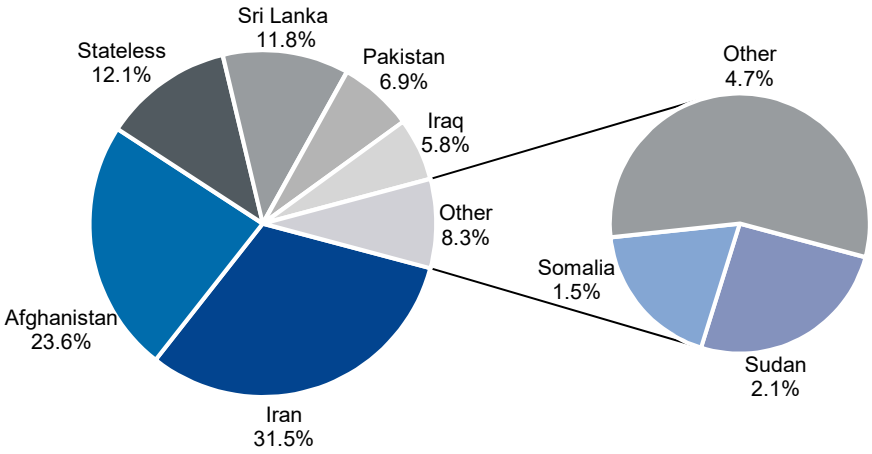


Table 4 State and territory of residence – on hand or at review applications

State and territory of residence	December 2020	November 2020
Victoria (Vic)	2,453	2,482
New South Wales (NSW)	1,788	1,835
Queensland (Qld)	205	216
Western Australia (WA)	121	123
South Australia (SA)	96	97
Australian Capital Territory (ACT)	24	22
Northern Territory (NT)	14	14
Tasmania (Tas)	6	6
Total	**4,707**	**4,795**

Graph 4 State and territory of residence – on hand or at review applications

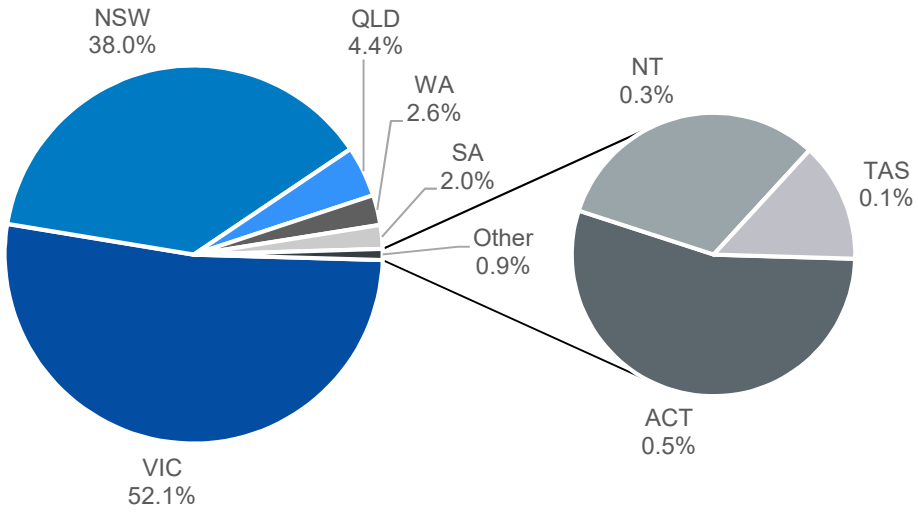


Table 5 Main citizenships – on hand or at review applications

Country of citizenship	December 2020	November 2020
Iran	1,743	1,783
Sri Lanka	896	914
Stateless	644	652
Afghanistan	382	388
Pakistan	258	269
Vietnam	249	251
Bangladesh	186	189
Iraq	151	152
Other	198	197
Total	**4,707**	**4,795**

Graph 5 **Main citizenships – on hand or at review applications**

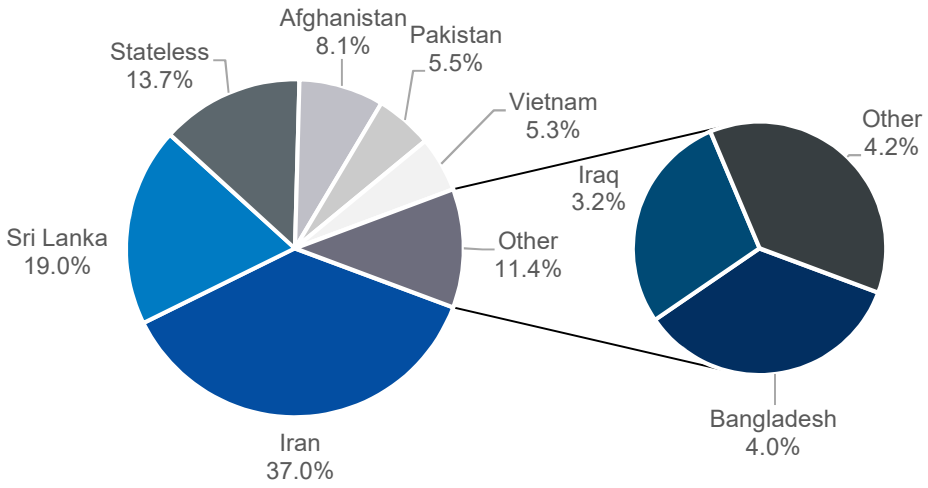


Table 6 **Immigration status[7] – on hand or at review applications**

Status	December 2020	November 2020
Held detention[8]	48	51
Residence determination	7	8
In community	4,652	4,736
Total	**4,707**	**4,795**

IMA Legacy Caseload – Processing status

Table 7 **Applications[9] by processing status**

Processing status			December 2020	November 2020
	TPV	SHEV	Total	Total
Applied and on hand				
On hand at Primary[10]	476	3,441	3,917	4,010
Review and other[11]	275	515	790	785
Total	**751**	**3,956**	**4,707**	**4,795**
Applications finalised				
Finalised grants[12]	5,554	12,366	17,920	17,865
Finalised refusals[13]	2,942	5,686	8,628	8,563
Total	**8,496**	**18,052**	**26,548**	**26,428**

Technical notes

1. ‘Applied and on hand or at review’ 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.
2. ‘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).
3. 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.
4. State and territory of residence – refers to client’s latest reported address, not the address at time of lodgement or decision.
5. Table and Graph 2 and 3 show a list of people from the IMA Legacy Caseload who have been granted temporary protection in Australia.
6. Table and Graph 3 and 5 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. ‘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. ‘On hand at Primary’ includes persons granted a TPV who have subsequently re-applied for a SHEV. It also 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.
14. From time to time, cases, or groups of cases are remitted by review bodies, or courts, for a fresh assessment of claims. It is also possible that, in rare and exceptional circumstance, the Minister will intervene personally to allow previously refused clients to lodge a second application to enable significant and new information to be considered. When this happens, persons previously reported as refused will now be reported as awaiting processing. In extreme cases it is possible that the total number of on hand cases will increase from one month to the next.