



Australian Government
**Department of Immigration
and Border Protection**

IMA Legacy Caseload

Report on Status and Processing Outcomes

February 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 2013¹; 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 February 2017 is at 2 March 2017. Data for January 2017 is at 2 February 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	February 2017	January 2017
Applied and on hand ²	12,359	11,953
<i>Fast track</i>	11,058	10,446
<i>Non-fast track</i>	1,301	1,507
Applications not yet lodged ³	10,503	11,548
Applications finalised ⁴	8,061	7,379
Total⁵	30,923	30,880

Graph 1 Main processing status (total IMA Legacy Caseload)

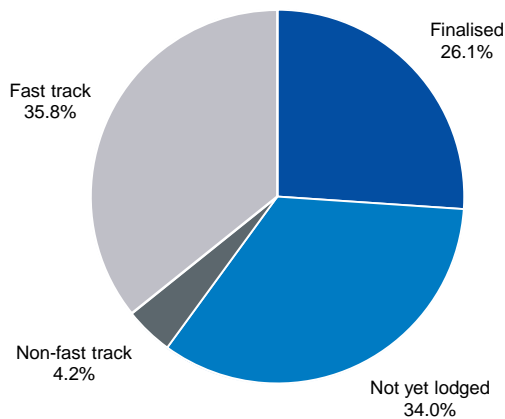


Table 2 State and territory of residence – not applied and on hand applications

State and territory of residence	February 2017		January 2017	
	On hand	Not applied	On hand	Not applied
New South Wales (NSW)	4,615	4,109	4,541	4,402
Victoria (Vic)	4,378	4,782	4,036	5,186
Queensland (Qld)	1,334	673	1,374	737
South Australia (SA)	1,065	400	1,009	492
Western Australia (WA)	758	450	748	536
Australian Capital Territory (ACT)	108	28	104	28
Northern Territory (NT)	52	30	64	49
Tasmania (Tas)	38	10	43	13
Not recorded	11	21	34	105
Sub-total	12,359	10,503	11,953	11,548
Total		22,862		23,501

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

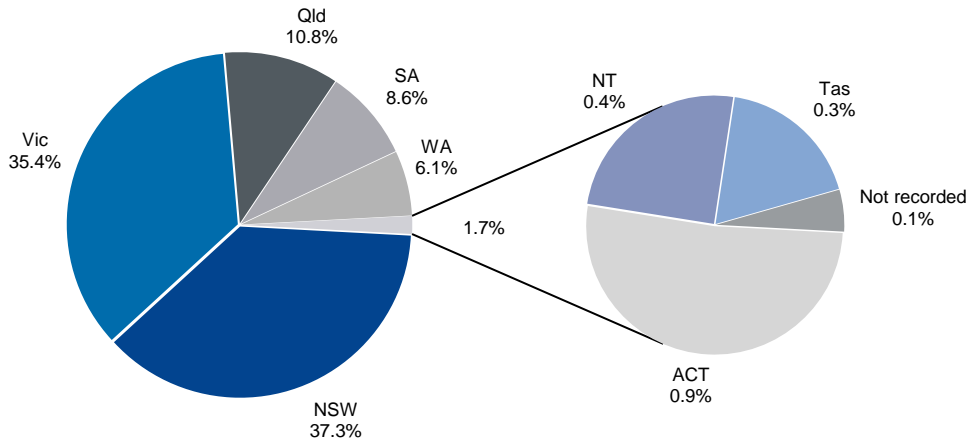


Table 3 Main citizenships⁶ – not applied and on hand applications

Country of citizenship	February 2017	January 2017
Iran	7,095	7,249
Sri Lanka	4,299	4,420
Afghanistan	3,153	3,329
Stateless	2,640	2,693
Pakistan	1,681	1,707
Iraq	1,156	1,221
Vietnam	595	613
Bangladesh	455	463
Other	1,788	1,806
Total	22,862	23,501

Graph 3 Main citizenships⁶ – not applied and on hand applications

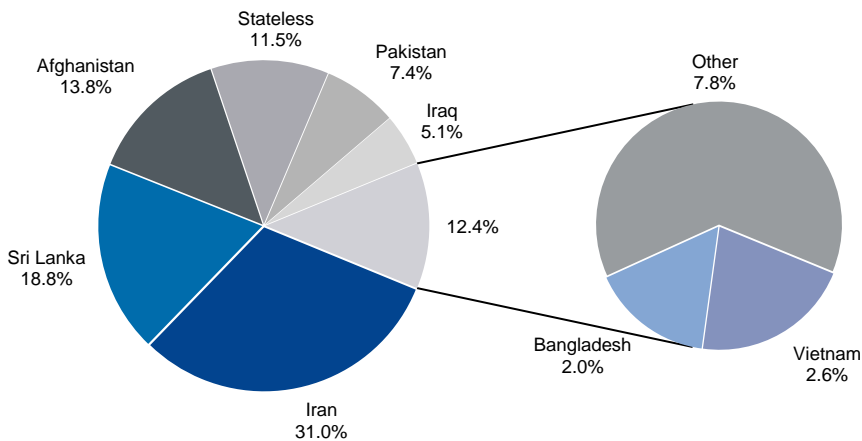


Table 4 Immigration status⁷ – not applied and on hand applications

Detention status	February 2017	January 2017
Held detention ⁸	173	179
Residence determination	123	150
In community	22,566	23,172
Total	22,862	23,501

IMA Legacy Caseload – Processing status

Table 5 Non-fast track applications⁹ by processing status

Processing status	February 2017			January 2017
	TPV	SHEV	Total	Total
Cases on hand ²				
Primary – at assessment ¹⁰	24	260	284	320
Primary – awaiting checks ¹¹	212	60	272	321
On hand other ¹²	733	12	745	866
Total	969	332	1,301	1,507
Applications finalised ⁴				
Primary grants	843	167	1,010	894
Post-review grants ¹³	1,931	-	1,931	1,845
Finalised refusals ¹⁴	1,883	30	1,913	1,894
Total	4,657	197	4,854	4,633

Table 6 Fast track applications by processing status

Processing status	February 2017			January 2017
	TPV	SHEV	Total	Total
Cases on hand ²				
Primary – at assessment ¹⁰	1,663	7,249	8,912	8,458
Primary – awaiting checks ¹¹	216	867	1,083	1,029
On hand other ¹²	257	806	1,063	959
Total	2,136	8,922	11,058	10,446
Applications finalised ⁴				
Primary grants	695	1,510	2,205	1,874
Post-review grants ¹³	32	73	105	86
Finalised refusals ¹⁴	257	640	897	786
Total	984	2,223	3,207	2,746
Applications not yet lodged³	N/A	N/A	10,503	11,548

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.