



Australian  
**BORDER FORCE**

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## MEDIA ENQUIRY

<b>Subject:</b> Commonwealth Games overstayers and s22(1)(a)(ii)		
<b>Deadline:</b> 5pm, Wednesday 25 September 2019		
<b>Journalist:</b> s47F	<b>Outlet:</b> s47F	
<b>Phone:</b> Not supplied	<b>Mobile:</b> s47F s47F	<b>Email:</b> s47F
<b>Enquiry Received (Time &amp; Date):</b> 1:21pm, Wednesday 25 September 2019		
<b>Media Officer:</b> s22(1)(a)	<b>Media Ph:</b> 02 6264 2211	

### QUESTION / ISSUE

*Email from journalist:*

s22(1)(a)(ii)

2. How many athletes, officials and other formal attendees of the games sought asylum?

3. What has happened to them ... ie, how many have been granted protection visas, how many refused protection, how many deported, how many returned home voluntarily.

s22(1)(a)(ii)

### RESPONSE ~~UNCLASSIFIED~~

- The Department of Home Affairs does not comment on individual cases and will not be providing a running commentary on these cases.
- Some individuals have already applied for visas; these applications will be rigorously assessed on their individual merits in line with standard processes.

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- Applicants who are found to engage Australia's protection obligations and meet identity, character, security, and health checks will be granted a visa to remain lawfully in Australia.
- Applicants who are found not to engage Australia's protection obligations have access to merits and judicial review.
- Individuals attempting to remain in the community without a valid visa will be subject to enforcement measures that may include targeted activities to locate, detain and remove them from Australia.
- Those who are removed may also face a three year exclusion period that will prevent re-entry into Australia and may owe a debt to the Australian Government for the cost of their removal.
- Anyone who is still in Australia without a valid visa should depart immediately, or contact the Department of Home Affairs to discuss their visa status.
- Anyone with information about attempts to exploit Australia's visa program should contact Border Watch by visiting [Australia.gov.au/borderwatch](http://Australia.gov.au/borderwatch). You can remain anonymous.

**BACKGROUND** s22(1)(a)(ii)

s22(1)(a)(ii)



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s22(1)(a)(ii)

As at **9 May 2019**,

- there have been **six** voluntary removals as part of s22(1)(a)(ii),
- there are currently **four** individuals in immigration detention and
- **17** unlawful non-citizens remaining outstanding in Australia.
  - Country breakdown:
    - Ghana 14
    - Rwanda three.

**As at 9 May 2019**, there are **13** who remain in Australia unlawfully in the community. Upon their location, steps will be taken to either regularise their immigration status or remove them from Australia.

**As at 26 September 2019**, a total of 230 Temporary Activity (Australian Government Endorsed Event) (Subclass 408) visa holders have lodged PV applications.

Of these:

- 67 applications have been made by Commonwealth Games athletes;
- 49 applications have been made by team officials or coaches; and
- 114 applications have been made by other attendees of the Games such as guests of their relevant Commonwealth Games Association or members of the Press.

Processing stages of the applications:

- 217 applications have been refused;
- Four applications have been withdrawn (and those four persons have been voluntarily removed from Australia);
- Nine applications are currently under consideration.

Of the 217 refused PV applications:

- 204 persons have an ongoing review at the Administrative Appeals Tribunal (AAT);
- Four refusal decisions have been affirmed by the AAT: the subject of the current enquiry, one person who is in immigration detention, and two persons who have been voluntarily removed from Australia;
- Nine refused persons have either not sought merits review, not made their applications for review within allowed timeframes or have withdrawn from merits review.

s22(1)(a)(ii)

**CLEARANCE:**

Drafted by	Title	Time/Date drafted
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s22(1)(a) .....	QLD Public Affairs Officer	2:15pm, 25 September 2019
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Cleared by	Title	Time/Date cleared
Neil Horne	A/g Commander, Field Operations – Enforcement Command approved use of previously cleared talking points provided 9 May 2019	
Frances Finney	AS Humanitarian Program Capability	
s22(1)(a)(ii) .....	Director, ABF Media	
s22(1)(a) .....	CoS to ABF Commissioner	