Freedom of Information Request FA 20/09/00042

1. The number of irregular maritime arrivals who were transferred to a regional processing country under s.198AD of the Migration Act 1958 who are not unauthorised maritime arrivals due to the Court decision in DBB16.

There are 61 non-citizens who are not unauthorised maritime arrivals, due to the court’s declaration in DBB16 v Minister for Immigration and Border Protection [2018] FCAFC 178 (the DBB16 judgment) that the appointment of an area of waters in the Territory of Ashmore and Cartier Islands as a proclaimed port was invalid, who were taken to a Regional Processing Country (RPC) under section 198AD of the Migration Act 1958.

2. Whether such persons have been notified of this by the Australian Government.

Of the 61 non-citizens who were transferred to a regional processing country under s 198AD of the Act, 31 non-citizens have been notified that they are affected by the DBB16 judgment.