



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



**Australian  
 BORDER FORCE**

## MEDIA ENQUIRY

|   |                               |                         |
|---|-------------------------------|-------------------------|
| <b>Subject:</b> IMA legacy caseload – Iran focus              |                               |                         |
| <b>Deadline:</b> 12pm Thursday 25 May 2017                    |                               |                         |
| <b>Journalist:</b> s. 47F(1)                                  | <b>Outlet:</b> The Australian |                         |
| <b>Phone:</b>   | <b>Mobile:</b>                | <b>Email:</b> s. 47F(1) |
| <b>Enquiry Received (Time &amp; Date):</b> 6:11am 24 May 2017 |                               |                         |
| <b>Media Officer:</b> s. 22(1)(a)(ii)                         | <b>Media Ph:</b> 02 6264 2244 |                         |

### QUESTION / ISSUE

*Journalist's email:*

- 1. The** 'IMA legacy caseload' report from March 2017 gives a number of 8914 finalised asylum applications from this cohort. Can you please provide a breakdown of the grants and refusals by nationality?
- 2. In regard** to the Iranians among that 8914 group, can you disclose the status of those who have been refused a protection visa? E.g. a) how many have since left voluntarily? b) how many have been deported? c) how many remain in Australia and if they are in the community or in detention?
- Is it correct that Iran does not currently accept the involuntary return of failed asylum seekers who do not have current travel documents?
- What will happen to those Iranians who will be refused a protection visa but refuse to return to Iran voluntarily?
- Can someone in that situation be put in immigration detention? Can families in that situation be put in detention?
- Does someone in that situation have their bridging visa revoked immediately or does it remain valid until some other time?
- Is someone in that situation eligible to apply for other visas, e.g. spousal if they are in a relationship with an Australian citizen, or some class of work visa if an employer wishes to support them?
- Are there any other ways an Iranian without valid travel documents who has been refused a protection visa can be involuntarily returned to Iran?
- 9. Are you** able to say how many of the IMA legacy caseload arrived in Australia without valid identity documents?
- 10. Are negotiations with Iran ongoing in relation to an agreement to allow involuntary returns?**

UNCLASSIFIED



Australian Government  
Department of Immigration  
and Border Protection



Australian  
**BORDER FORCE**

11. In the IMA legacy caseload report it says 1987 people who submitted a 'non-fast track' application were granted a TPV 'post-review'. In the technical note it explains that there are merit reviews and judicial reviews. In a phone call yesterday with one of your staff I was told the merits review would be an RRT or AAT review. To confirm, a judicial review would come about if an asylum seeker wanted to contest a visa refusal that had been upheld by an RRT/AAT review? If that is correct, can you please say how many RRT/AAT reviews were taken to court within the IMA legacy caseload, and their outcomes?

## RESPONSE

- On 21 May 2017, the Minister for Immigration and Border Protection announced that 7500 IMAs who have not yet presented their case for protection have until 1 October to apply for a Temporary Protection visa (TPV) or Safe Haven Enterprise visa (SHEV).
- IMAs who do not seek Australia's protection, should not expect to remain in and be supported by Australia.
- All IMAs who fail to lodge an application before 1 October 2017:
  - will be barred from applying for any temporary or permanent visa in Australia
  - will lose access to income support and rental assistance
  - will be taken to be not seeking protection in Australia and will be expected to depart Australia as soon as possible.
- At any stage, the Department of Immigration and Border Protection will assist IMAs who wish to voluntarily depart Australia to do so under the shortest possible timeframe.
- If IMAs are thinking about returning home they may be able to access assistance to depart Australia. IMAs can talk to an immigration officer or the International Organization for Migration (IOM) to discuss their options.
- If an individual with no lawful basis to remain does not depart voluntarily they will be subject to immigration detention as a last resort. Families may be detained in Alternative Places of Detention.
- Protection visa applicants are able to seek judicial review of a visa decision through the ~~XXX~~ (this can be placed in the background if we choose not to address this issue in the response).
- The Department continues to work with the Government of Iran on arrangements for ~~XXX~~.
- For statistics on the IMA legacy caseload, please refer to the Ministerial and Departmental websites and comments made by the Department's Executive at Senate Estimates on 22 May and 23 May 2017.

Released by the Department of Home Affairs  
under the Freedom of Information Act 1982

UNCLASSIFIED



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



**Australian  
 BORDER FORCE**

**BACKGROUND (*not* for public release)**

- Please provide the requested statistics (highlighted in journalist's email) for consideration by the MO. Media Ops will ensure that any statistics used publically are cleared through the appropriate channels and at the appropriate level.

*Question 1*

We note that we have not previously provided this breakdown to the public. Between 19 September 2013 and 30 March 2017, the Department made 8,914 final decisions on TPV and SHEV visa applications.

| Citizenship           | Final Grants | Final Refusals | Total Final Decisions |
|-----------------------|--------------|----------------|-----------------------|
| Sri Lanka             | 1,102        | 1,731          | 2,833                 |
| Afghanistan           | 1,976        | 151            | 2,127                 |
| Iran                  | 1,393        | 424            | 1,817                 |
| Iraq                  | 378          | 123            | 501                   |
| Pakistan              | 390          | 90             | 480                   |
| Stateless             | 428          | 36             | 464                   |
| Bangladesh            | 16           | 221            | 237                   |
| Vietnam               | 42           | 157            | 199                   |
| Palestinian Authority | 59           | 7              | 66                    |
| Other                 | 141          | 49             | 190                   |
| <b>Total</b>          | <b>5,925</b> | <b>2,989</b>   | <b>8,914</b>          |

*Question 2*

Of the 424 finally refused Iranians, 339 are in Australia (21 in held detention and 318 are in the community) and 85 have either returned or been removed. A further breakdown of this number is not available.

*Question 9*

This is a highly sensitive question. The answer should not be disclosed to the public.

*Question 11*

The following response has been provided from the litigation area:

**s. 42(1)**

UNCLASSIFIED



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



**Australian  
BORDER FORCE**

# s. 42(1)

## CLEARANCE:

| Drafted by      | Title  | Time/Date drafted   |
|-----------------|--|---------------------|
| s. 22(1)(a)(ii) | Lines pulled from cleared WOG TPs on the IMA Legacy Caseload | 10:20am 24 May 2017 |

| Cleared by      | Title                      | Time/Date sent     | Time/Date cleared  |
|-----------------|----------------------------|--------------------|--------------------|
|                 |                            | Time DD Month 2017 | Time DD Month 2017 |
|                 |                            | Time DD Month 2017 | Time DD Month 2017 |
| s. 22(1)(a)(ii) | Director, Media Operations | Time DD Month 2017 | Time DD Month 2017 |

| MO noted  | Sent to MO         | Noted by MO        |
|-----------|--------------------|--------------------|
| Full Name | Time DD Month 2017 | Time DD Month 2017 |



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



**Australian  
 BORDER FORCE**

## MEDIA ENQUIRY

|  |                               |                               |
|--|-------------------------------|-------------------------------|
| <b>Subject:</b> IMA legacy caseload – Iran focus including FOLLOW UP |                               |                               |
| <b>Deadline:</b> 12pm Thursday 25 May 2017                           |                               |                               |
| <b>Journalist:</b> s. 47F(1)   | <b>Outlet:</b> The Australian |                               |
| <b>Phone:</b>  | <b>Mobile:</b>                | <b>Email:</b> s. 47F(1)       |
| <b>Enquiry Received (Time &amp; Date):</b> 6:11am 24 May 2017        |                               |                               |
| <b>Media Officer:</b> s. 22(1)(a)(ii)                                |                               | <b>Media Ph:</b> 02 6264 2244 |

### Journalist's follow up questions

*Journalist's email:*

*In my original email I wrote:*

1. The 'IMA legacy caseload' report from March 2017 gives a number of 8914 finalised asylum applications from this cohort. Can you please provide a breakdown of the grants and refusals by nationality?
2. In regard to the Iranians among that 8914 group, can you disclose the status of those who have been refused a protection visa? E.g. a) how many have since left voluntarily? b) how many have been deported? c) how many remain in Australia and if they are in the community or in detention?

*In your response you wrote:*

*For statistics on the IMA legacy caseload, please refer to the Ministerial and Departmental websites and comments made by the Department's Executive at Senate Estimates on 22 May and 23 May 2017.*

*The statistics I requested are not contained in the Senate estimates transcripts you suggested, nor are they contained in the IMA legacy caseload monthly reports on the Department's website.*

*Kindly direct me to the websites that contain that information.*

*My additional questions are:*

1. Can you tell me how many Iranian nationals have voluntarily returned from Australia (not RPCs) since July 2013?

**2. Three migration agents have told me that some of their Iranian clients who have had their protection visa claims refused by the Department and again by the AAT have received letters inviting them to reapply for a protection visa. Is it correct that such letters are being sent?**

UNCLASSIFIED



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



**Australian  
 BORDER FORCE**

**FOLLOW UP RESPONSE**

- The Department is aware that a very small number of individuals who meet a very specific set of criteria have been sent an additional letter of invitation. This is appropriate to the circumstances of these individuals.
- For further statistics on the IMA legacy caseload, please see the Minister's [media release](#) dated 21 May 2017.
- The Department has nothing further to add.

**FOLLOW UP BACKGROUND** (*not for public release*)

**s. 47E(d)**

**FOLLOW UP CLEARANCE:**

| Drafted by      | Title         | Time/Date drafted  |
|-----------------|---------------|--------------------|
| s. 22(1)(a)(ii) | Media Officer | 1:00pm 26 May 2017 |

| Cleared by      | Title                      | Time/Date sent | Time/Date cleared |
|-----------------|----------------------------|----------------|-------------------|
| s. 22(1)(a)(ii) | A/g AS Onshore Protection  |                |                   |
| s. 22(1)(a)(ii) | Director, Media Operations |                |                   |

| MO noted      | Sent to MO | Noted by MO |
|---------------|------------|-------------|
| Media advisor |            |             |

**ORIGINAL QUESTION / ISSUE**

*Journalist's email:*

1. The 'IMA legacy caseload' report from March 2017 gives a number of 8914 finalised asylum applications from this cohort. Can you please provide a breakdown of the grants and refusals by nationality?
2. In regard to the Iranians among that 8914 group, can you disclose the status of those who have been refused a protection visa? E.g. a) how many have since left voluntarily? b) how many have been deported? c) how many remain in Australia and if they are in the community or in detention?
3. Is it correct that Iran does not currently accept the involuntary return of failed asylum seekers who do not have current travel documents?

UNCLASSIFIED





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



**Australian  
 BORDER FORCE**

4. *What will happen to those Iranians who will be refused a protection visa but refuse to return to Iran voluntarily?*
5. *Can someone in that situation be put in immigration detention? Can families in that situation be put in detention?*
6. *Does someone in that situation have their bridging visa revoked immediately or does it remain valid until some other time?*
7. *Is someone in that situation eligible to apply for other visas, e.g. spousal if they are in a relationship with an Australian citizen, or some class of work visa if an employer wishes to support them?*
8. *Are there any other ways an Iranian without valid travel documents who has been refused a protection visa can be involuntarily returned to Iran?*
9. *Are you able to say how many of the IMA legacy caseload arrived in Australia without valid identity documents?*
10. *Are negotiations with Iran ongoing in relation to an agreement to allow involuntary returns?*
11. *In the IMA legacy caseload report it says 1987 people who submitted a 'non-fast track' application were granted a TPV 'post-review'. In the technical note it explains that there are merit reviews and judicial reviews. In a phone call yesterday with one of your staff I was told the merits review would be an RRT or AAT review. To confirm, a judicial review would come about if an asylum seeker wanted to contest a visa refusal that had been upheld by an RRT/AAT review? If that is correct, can you please say how many RRT/AAT reviews were taken to court within the IMA legacy caseload, and their outcomes?*

**ORIGINAL RESPONSE**

- On 21 May 2017, the Minister for Immigration and Border Protection announced that 7500 IMAs who have not yet presented their case for protection have until 1 October to apply for a Temporary Protection visa (TPV) or Safe Haven Enterprise visa (SHEV).
- IMAs who do not seek Australia's protection, should not expect to remain in and be supported by Australia.
- All IMAs who fail to lodge an application before 1 October 2017:
  - will be barred from applying for any temporary or permanent visa in Australia
  - will lose access to income support and rental assistance
  - will be taken to be not seeking protection in Australia and will be expected to depart Australia as soon as possible.
- At any stage, the Department of Immigration and Border Protection will assist IMAs who wish to voluntarily depart Australia to do so under the shortest possible timeframe.

UNCLASSIFIED

Released by the Department of Home Affairs  
 under the Freedom of Information Act 1982



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



**Australian  
 BORDER FORCE**

- If IMAs are thinking about returning home they may be able to access assistance to depart Australia. IMAs can talk to an immigration officer or the International Organization for Migration (IOM) to discuss their options.
- If an individual with no lawful basis to remain does not depart voluntarily they will be subject to immigration detention as a last resort. Families may be detained in an alternative place of detention.
- As the Minister and Prime Minister have previously stated, it is very important that nations accept back, whether on a voluntary or involuntary basis, their citizens who have been denied refugee status.
- Any individual travelling outside of Australia requires a valid travel document.
- For statistics on the IMA legacy caseload, please refer to the Ministerial and Departmental websites and comments made by the Department's Executive at Senate Estimates on 22 May and 23 May 2017.
- In regard to your final question, a reference to an asylum seeker seeking judicial review generally means the asylum seeker has had their visa refusal decision affirmed by the Administrative Appeals Tribunal (or the Refugee Review Tribunal, as it was previously named) or the Immigration Assessment Authority (if they are a fast track review applicant), and they are seeking a legal review of the process.

**BACKGROUND (*not for public release*)**

**CLEARANCE:**

| Drafted by      | Title  | Time/Date drafted   |
|-----------------|--|---------------------|
| s. 22(1)(a)(ii) | Lines pulled from cleared WOG TPs on the IMA Legacy Caseload | 10:20am 24 May 2017 |

| Cleared by        | Title                                   | Time/Date sent      | Time/Date cleared  |
|-------------------|---|---------------------|--------------------|
| Sally Pfeiffer    | Senior Director Status Res              | 10:30am 24 May 2017 | 3:10pm 25 May 2017 |
| Lachlan Colquhoun | FAS Int'l                               | 3:40pm 26 May 2017  | 5:54am 26 May 2017 |
| s. 22(1)(a)(ii)   | A/g AS Onshore Protection               | 10:30am 24 May 2017 | 3:10pm 25 May 2017 |
| Steve McGlynn     | AS Legal Advice and Operational Support | 10:30am 24 May 2017 | 3:10pm 25 May 2017 |
| s. 22(1)(a)(ii)   | Director, Media Operations              | 7:35am 26 May 2017  | 8:02am 26 May 2017 |

| MO noted        | Sent to MO         | Noted by MO        |
|-----------------|--------------------|--------------------|
| s. 22(1)(a)(ii) | 8:41am 26 May 2017 | 9:49am 26 May 2017 |

UNCLASSIFIED

Released by the Department of Home Affairs  
 under the Freedom of Information Act 1982