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UMA Legacy Caseload

Report on Processing Status and Outcomes

31 October 2023

About this report

Coverage

This report provides information on the processing status and outcomes of the applicants who are Unauthorised Maritime Arrivals (UMAs) and are in the UMA Legacy Caseload.

UMAs 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 UMA that they are eligible to apply for a TPV or a SHEV.

UMAs who applied for, or held a TPV or SHEV before 14 February 2023 are eligible to apply for a permanent Resolution of Status (subclass 851) (RoS) visa. Anyone who had a TPV or SHEV application already on-hand with the Department, including subsequent TPV/SHEV applications, did not need to apply for a RoS visa (their application was/will be automatically be converted to a RoS visa application).

Anyone that enters Australia irregularly on or after 14 February 2023 is not eligible for a RoS visa.

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.

Glossary of terms

COUNTRY OF CITIZENSHIP – the claimed country of citizenship at the time of lodging an application for a protection visa.

UNAUTHORISED MARITIME ARRIVAL (UMA) – an UMA is a person who entered Australia by sea without authority and became an unlawful non-citizen upon entry. All babies born to UMA parents are also UMAs.

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* 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.

Ros VISA – permanent Resolution of Status (RoS, subclass 851) visa

TPV – Temporary Protection (subclass 785) visa

SHEV – Safe Haven Enterprise (subclass 790) visa

Further information

For further information about the processing arrangements that apply to the UMA Legacy Caseload please visit the Department's website at www.homeaffairs.gov.au

Any comments or enquiries concerning this report should be sent to pv.data@homeaffairs.gov.au quoting the report name and month.

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Table 1 shows the number of people in the UMA Legacy Caseload who:

- have submitted a valid visa application that is currently being processed;
- had their visa application finalised – either granted (including expired or cancelled) or refused; and
- are considered otherwise resolved (for example, have become Australian citizens or departed Australia).

Table 1 UMA across main visa processing stages

Processing Stage	Total
Applied for initial TPV and on-hand with the Department ¹	177
Applied for initial SHEV and on-hand with the Department ¹	1,130
Applied for/converted to RoS visa and on-hand with the Department ^{1*}	10,014
Total applications on hand	11,321
TPV holder*	2,284
SHEV holder*	8,280
RoS visa holder	9,214
Total Visa holders	19,778*
Refused TPV/SHEV/RoS visa by the Department and at merits review	289
Refused TPV/SHEV/RoS visa and at judicial review	4,797
TPV/SHEV/RoS visa cancelled or expired (onshore)	248
Refused TPV/SHEV/RoS visa no immigration matters ongoing ²	2,554
Total refused, cancelled or expired onshore	7,888
Otherwise resolved ³	2,935
Total	31,908*

* Most RoS visa applicants are also TPV/SHEV holders so are not counted twice in the grand total

Table 2 State and territory of residence⁴ - visa holders

State and Territory of residence	TPV/SHEV	RoS visa
Victoria (VIC)	4,153	3,561
New South Wales (NSW)	3,498	3,159
Queensland (QLD)	1,172	1,119
South Australia (SA)	919	675
Western Australia (WA)	565	475
Australian Capital Territory (ACT)	205	161
Northern Territory (NT)	33	<30
Not Recorded or Overseas	10	<5
Tasmania (TAS)	09	36
Total	10,564	9,214



Table 3 Main Citizennships⁵ - visa holders

Country of citizenship	TPV/SHEV	RoS visa
Iran	2,497	4,137
Afghanistan	3,170	1,367
Stateless	2,046	265
Sri Lanka	778	1,463
Pakistan	529	738
Iraq	491	594
Sudan	231	148
Somalia	196	98
Palestinian Authority	78	134
Myanmar	141	25
Vietnam	81	85
Other	326	160
Total	10,564	9,214

Table 4 State and territory of residence – on hand (initial TPV and SHEV) or at merits review applications

State and territory of residence	Total
Australian Capital Territory (ACT)	10
New South Wales (NSW)	596
Northern Territory (NT)	10
Not Recorded or Overseas	<5
Queensland (QLD)	115
South Australia (SA)	63
Tasmania (TAS)	<10
Victoria (VIC)	687
Western Australia (WA)	104
Total	1,596



Table 5 Main citizenships – on hand (initial TPV and SHEV) or at merits review applications

Country of citizenship	TPV/SHEV
Iran	446
Stateless	288
Sri Lanka	190
Vietnam	177
Afghanistan	148
Bangladesh	131
Pakistan	42
Myanmar	39
Iraq	37
Lebanon	18
Other	80
Total	1,596

Table 6 Location⁶ – on hand (initial TPV and SHEV) or at merits review applications

Status	Total
Held detention	<30
Residence determination	<10
In Community	1,563
Total	1,596



Technical notes

1. 'Applied and on hand' refers to valid visa applications which the Department has received (or in the case of the RoS visa, some TPV/SHEV applications were converted) and is currently processing and assessing. Includes applications undergoing ministerial intervention.
2. Broadly refers to people who have been refused a TPV, SHEV or RoS visa or have had their TPV, SHEV or RoS visa cancelled and have either not initiated judicial review or have failed at judicial review.
3. 'Otherwise resolved' includes those who became Australian citizens or obtained a non-protection visa and those who departed Australia (including visa cancelled or expired offshore) or died.
4. State and territory of residence – refers to client's last recorded residential address.
5. Tables 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.
6. Figures exclude certain cohorts of UMAs that do not form part of the UMA Legacy Caseload (for example, medical transferees from a Regional Processing Centre).
7. 'Held detention' includes a small number of UMAs who are in correctional facilities.
8. 'Finalised refusals' includes applications undergoing ministerial intervention or judicial review.

Note: 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 applied and on-hand with the Department. It is possible that the total number of on hand cases will increase from one month to the next.