

Initial Questions

On 16 December 2016, the Department received an FOI request from [REDACTED]. The applicant is seeking access to:

- 1. the number of people detained in immigration detention in Australia on character grounds as at the date of this request;*
- 2. the number of people currently on Manus Island or Nauru or in other offshore processing countries, either in detention or living in the community, on character grounds as at the date of this request;*
- 3. A de-identified list of the specific reasons for the detention on character grounds;*
- 4. whether each person on the list has been charged with an offence and if so the nature of the charge;*
- 5. the length of detention for each person on the de-identified list;*
- 6. the location (state or territory only) of events that led to the detention for each person on the de-identified list;*
- 7. the location in which the individual concerned is currently detained on character grounds;*
- 8. whether each person on the list is the holder of a valid visa, or would be if not for their character assessment.*

1. The number of people detained in immigration detention in Australia on character grounds as at the date of this request

As at 7am 16 December 2016, the total number of persons detained immigration detention in Australia on character grounds was 458.

2. The number of people currently on Manus Island or Nauru or in other offshore processing countries, either in detention or living in the community, on character grounds as at the date of this request

As at 7am 16 December 2016, there were no persons living in offshore in Manus or Nauru on character grounds.

Figures based on DIBP systems data as at 7am 16 December 2017.

3. A de-identified list of the specific reasons for the detention on character grounds

s501 Decision Power	Detainee Count
s501(1) Refusal with Natural Justice	12
s501(2) Cancellation with Natural Justice	33
s501(3) Cancellation, No Natural Justice, Minister-only power	6
s501(3A) Mandatory Cancellation	406
s501A(2) Set Aside Non-Adverse Natural Justice, Minister-only power	1
Total	458

4. Whether each person on the list has been charged with an offence and if so the nature of the charge

Yes. Offence committed types are listed below:

Nature of Allegation, Charge or Conviction*	Detainee Count
Armed Robbery	26
Assault	126
Child Pornography	6
Child Sex Offences	30
Drug Offences	61
Fraud, Deception, White Collar	14
GBH, Reckless Injury	29
Manslaughter	1
Murder	2
National Security/Org. Crime	4
Other Non-Violent Offence	34
Other Violent Offence	66
Rape, Sexual Offences	25
Theft, Robbery, Break Enter	29
Use Threat Intent Weapon	5
Total	458

* These categories are recorded on departmental systems from a drop-down list. They may refer to allegations or charges but usually relate to convictions.

5. The length of detention for each person on the de-identified list

As at 7am 16 December 2016, the average length of time in held detention on character grounds was 275 days.

Figures based on DIBP systems data as at 7am 16 December 2017.

6. The location (state or territory only) of events that led to the detention for each person on the de-identified list

State of individual at the time of s501 cancellation/refusal	Detainee Count
NSW	210
NT	5
QLD	104
SA	10
TAS	3
VIC	74
WA	52
Total	458

7. The location in which the individual concerned is currently detained on character grounds

Facility	Total
Adelaide ITA	1
Brisbane ITA	29
Maribyrnong IDC	38
North West Point Immigration Facility	136
Perth IDC	13
Perth IRH	1
Villawood IDC	157
Yongah Hill IDC	83
Total	458

**Figures based on DIBP systems data as at 7am 16 December 2017.*

8. Whether each person on the list is the holder of a valid visa, or would be if not for their character assessment

The response for this question is not required as all the information relates to s501 cancellations (where obviously they would have a valid visa if it was not cancelled).