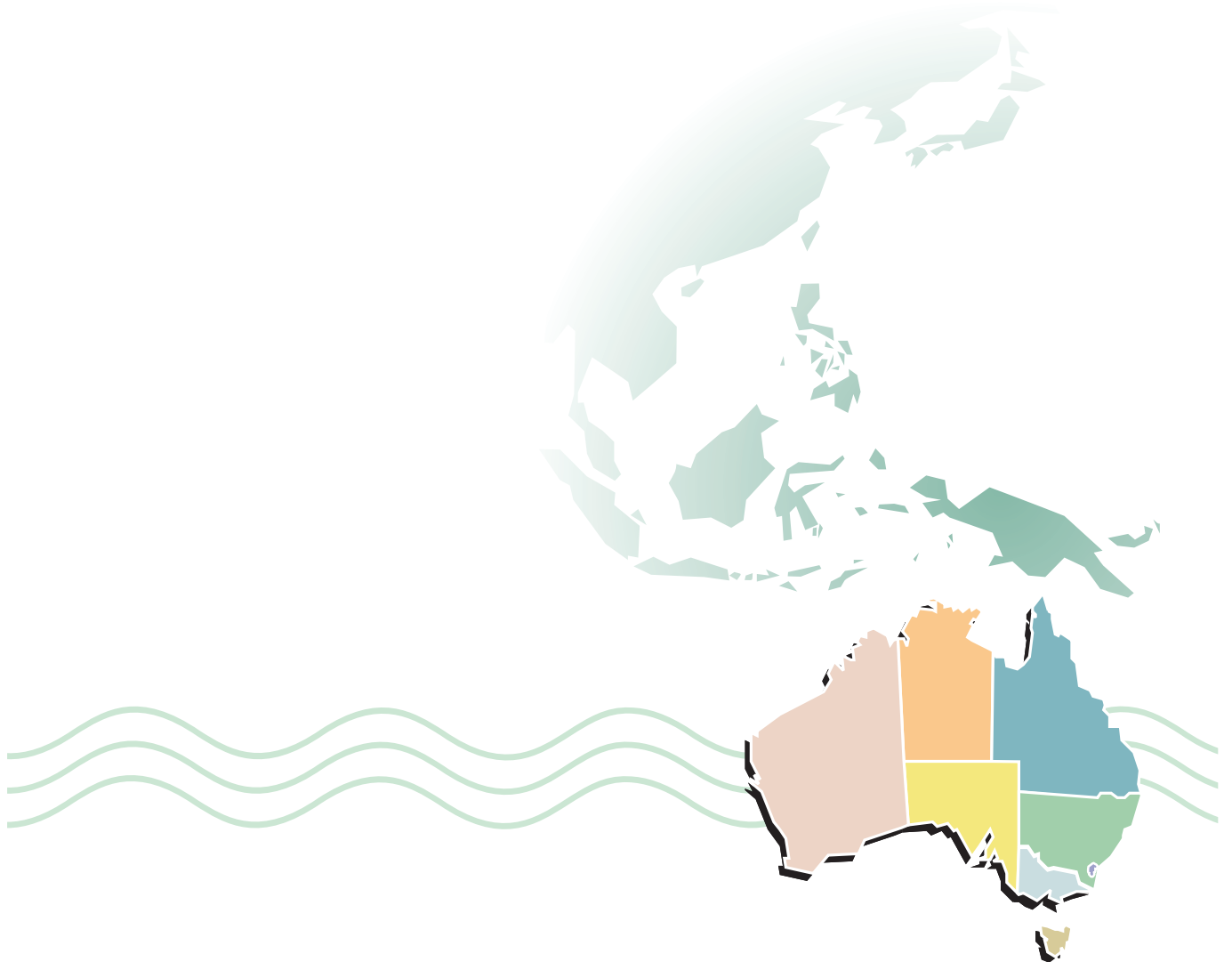


Chapter 5

Dealing with Overstayers

- Overstayers are those non-citizens who do not depart by the expiry of their visa and remain in Australia unlawfully.
- A total of 47,800 people were estimated to have overstayed their visas at 30 June 2005.
- Approximately 39 per cent of overstayers were females and 61 per cent were males.
- People arriving on visitor visas comprised the biggest group of overstayers with an estimated 40,600 or 85 per cent of all overstayers.
- The country with the highest visitor overstay rate was Kiribati (2.46 per cent of 1,867 visitors).
- The country with the highest visitor visa non-return rate was Greece with 8.00 per cent.



Overstayers

The Overstayer Problem

Overstayers are those non-citizens who do not depart by the expiry of their temporary visa and remain in Australia unlawfully. Even though it is possible to apply for a subsequent visa onshore, each year, a small proportion of temporary visa holders overstay. Overstayers mainly arrive on tourist visas but also on working holiday-maker, student or temporary resident visas.

Most overstayers only overstay in Australia for a few days. This is often in an attempt to avoid the cost and perceived inconvenience of applying for an extension of their visas prior to their departure. People who overstay for longer periods do so either to prolong their holiday, to work, to enjoy the Australian lifestyle and climate, or because of family or other links to Australia. Of the people that overstay each year, the vast majority of cases are resolved by the overstayer departing Australia of their own volition, being granted another visa or by being removed from Australia.

Overstayers are a considerable burden to the community because of the cost of their location and removal from Australia, as well as their access to Government services and benefits and labour market which are intended for Australian citizens and lawful residents only. Overstayers may also be a health and security risk because they have not been through the stringent health and character checks that are mandatory for long-term visa applicants.

To locate overstayers and non-citizens breaching their visa conditions, DIMIA compliance officers carry out compliance visits Australia-wide. In 2004-05, compliance officers recorded 18,341 locations. For further information on locating unlawful non-citizens, see Chapter 7.

Estimate of Unlawful Non-Citizens

The Department prepares an estimate of unlawful non-citizens at 30 June and 31 December each year. It is an estimate of all persons believed to be in the Australian community as visa overstayers at the estimate date. A person who was unlawful for a period of time but departed or was granted a further visa and became lawful again prior to the estimate date is not included. The records examined for the estimate cover arrivals from 1981 onwards.

At each estimate date, records are collected for all people whose most recent movement is an arrival, who have an expired visa and have not subsequently left Australia. The data is then filtered through various departmental systems to exclude persons who are actually lawful (for example, where they have since been granted citizenship). The remaining records are then sampled to check for any other lawful persons or persons who have actually left Australia and have not been identified during the initial filtering. The statistical corrections obtained through this process are then applied to the raw data, and the adjusted data is used to prepare the estimate tables.

As at 30 June 2005, there was an estimated 47,800 overstayers in the Australian community. This does not include unauthorised arrivals by air or boat, or the around 330 overstayers in immigration detention at that date. This was a decrease of approximately 3,200 compared to the 30 June 2004 estimate of 51,000 overstayers. The fall is consistent with falling non-return rates and significantly increased compliance action in recent years. It is also partly due to improvements in data quality following the initiation of an overstayer project in August 2002.

In contrast, the number of temporary entry visa holders estimated to be in the Australian community has increased from 465,500 at 30 June 1999 to around 599,600 at 30 June 2005. Temporary entrants include tourists, students, working holiday makers, business people and executives, and entrants for social, cultural, international relations and other purposes. New Zealand citizens are not included.

People who overstayed for 12 months or less constituted the largest number of overstayers for any 12-month period (13 per cent). This was followed by people who overstayed between one and two years (10 per cent) and between two and three, and three and four years (7 per cent each)

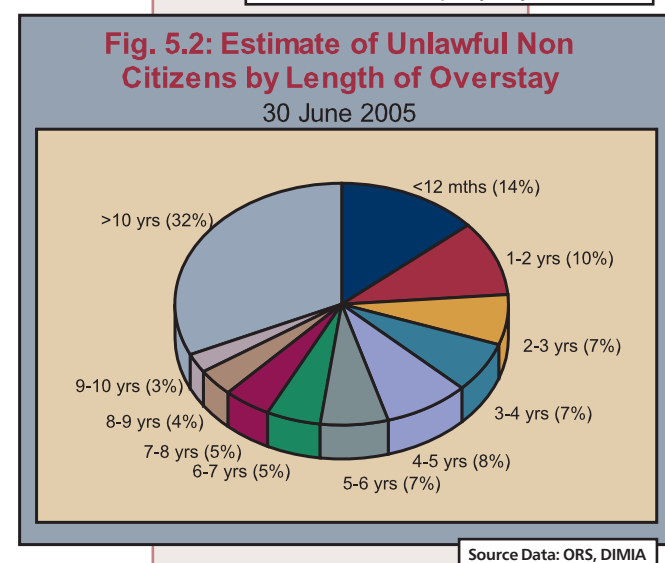
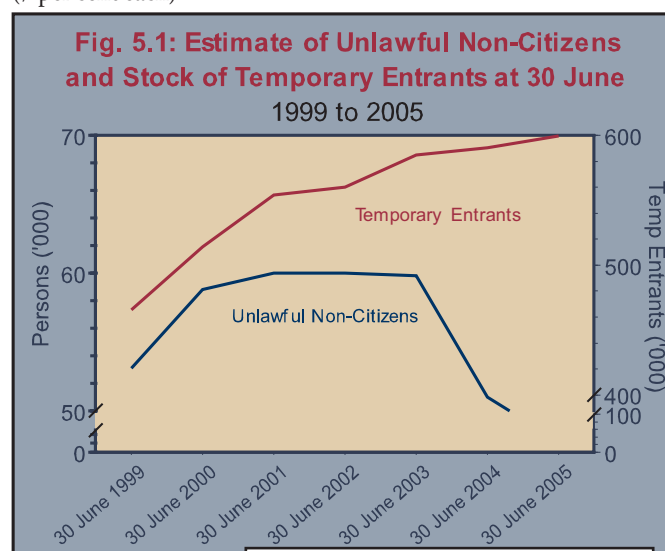
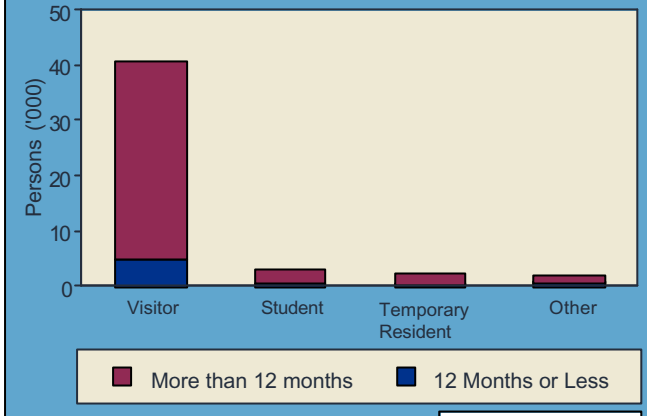


Fig. 5.3: Visa Category of Overstayers by Length of Overstay

30 June 2005



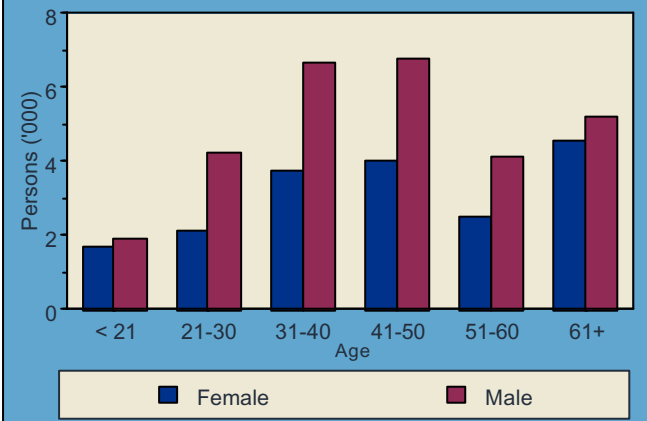
Source Data: ORS, DIMIA

Visa Category by Length of Overstay

Fig 5.3 shows a breakdown of the main visa categories by the length of overstay at 30 June 2005. The length of overstay period is specified by the categories '12 months or less' and 'more than 12 months'.

Fig. 5.4: Estimate of Unlawful Non-Citizens by Age and Sex

30 June 2005



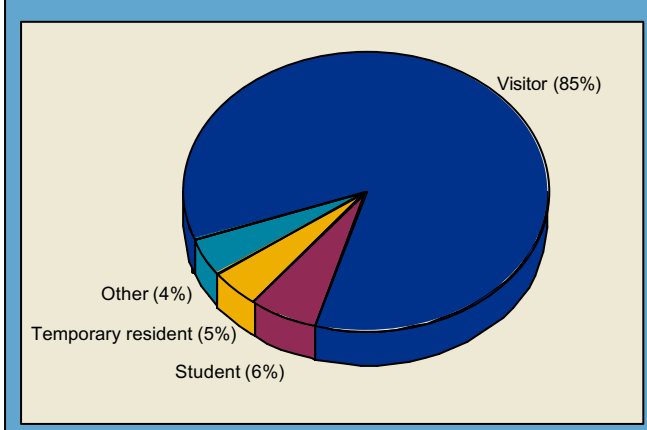
Source Data: ORS, DIMIA

Age and Sex of Overstayers

At 30 June 2005, approximately 39 per cent of overstayers were female and 61 per cent were male. For males, the largest group were between the ages of 41-50 (6,800) followed by those aged between 31-40 years old (6,600). For females the highest number were those aged 60 and over (4,500) followed by those aged between 31-40 (3,700).

Fig. 5.5: Overstayers by Visa Category

30 June 2005



Source Data: ORS, DIMIA

Overstayers by Class of Visa on Arrival

At the end of June 2005, people arriving on visitor visas comprised the majority of overstayers with an estimated 40,600 or 85 per cent of the total. Most visitor visa overstayers had overstayed for more than 12 months (88 per cent). Student visa overstayers, estimated to be around 2,900, made up 6 per cent, while Temporary Resident overstayers totalled around 2,200 or around 5 per cent of all overstayers. Other categories comprised around 2,090 or 4 per cent of the total.

Visitor Visa Overstay Rates

The visitor overstay rate is prepared as at 30 June and 31 December each year. The visitor overstayer rate shows the estimated percentage of visitors (ie people who arrived in Australia primarily as tourists), who no longer have a valid visa. The overall visitor overstay rate for the period of 1 July 2004 to 30 June 2005, was 0.27 per cent.

People arriving on visitor visas represented 85 per cent of all overstayers in Australia at 30 June 2005. The 10 countries with the highest visitor overstay rates (only countries with 500 or more people visiting Australia are included) were Kiribati (2.46 per cent of 1,867 visitors), Samoa (1.94 per cent of 3,271 visitors), Greece (1.88 per cent of 5,963 visitors), Phillipines (1.75 per cent of 27,828 visitors), Stateless (1.47 per cent of 781 visitors), the Former Yugoslav Republic of Macedonia (1.46 per cent of 960 visitors), Vietnam (1.12 per cent of 8,203 visitors), Brazil (1.05 of 7,228 visitors), Poland (0.94 per cent of 5,875) and Tonga (0.91 of 3,742 visitors). The two countries with the highest number of visitors were the United Kingdom with a 0.26 per cent overstay rate and Japan with a 0.08 per cent overstay rate.

Visitor Visa Non-Return Rates

The non-return rate (NRR) is the number of people who enter Australia on visitor visas and, on the date after their visa expires, are still in Australia, as a percentage of all arrivals who had a visa expire. Unlike the visitor overstay rate, the visitor NRR is not limited to persons unlawfully in Australia and includes visitors who have obtained another visa after their arrival.

A non-return, for whatever reason, brings into question the claims originally made to DIMIA decision-makers overseas regarding an intention to make a genuine visit. The non-return rate is relevant feedback to the overseas post in deciding future visitor visa applications. Visitors from some countries, usually those with small numbers of visitors, have a non-return rate up to 10 times higher than the global average.

Figure 5.7 shows that for countries with more than 500 arrivals the highest visitor visa non-return rates at 30 June 2005, were Greece with 8.00 per cent, Nepal with 7.81 per cent, Samoa with 6.86 per cent, Nauru with 6.49 per cent, Poland with 5.25 per cent and Egypt with 4.77 per cent.

The global average non-return rate at 30 June 2005, was 1.22 per cent, down from 1.47 per cent at 30 June 2004. The two countries with the highest number of visitors, the United Kingdom and Japan, had non-return rates of 1.58 per cent and 0.53 per cent respectively.

Fig. 5.6: Visitor Overstay Rates by Top 10 Countries or Territories of Citizenship

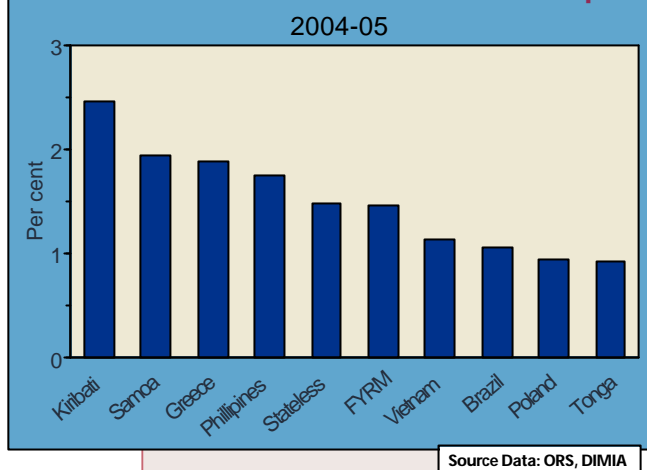


Fig. 5.7: Visitor Non-Return Rates by Top 10 Countries or Territories of Citizenship

