



SENATOR JAMES PATERSON
Shadow Minister for Home Affairs
Shadow Minister for Cyber Security
Senator for Victoria

SENATOR THE HON MICHAELIA CASH
Shadow Attorney-General
Shadow Minister for Employment and
Workplace Relations
Senator for Western Australia

2 February 2024

Stephanie Foster PSM
Secretary
Department of Home Affairs
4 National Circuit
BARTON ACT 2600

Katherine Jones PSM
Secretary
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

Dear Secretaries

Ahead of your appearance at Senate Estimates in the week commencing 12 February 2024 we are writing to seek information regarding the release of individuals from immigration detention in the wake of the High Court's decision in *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor* on 8 November 2023. Information you provide ahead of time will allow us to make the most efficient use of the limited time we will have in the hearing noting the compressed Senate Estimates period.

It would assist us if you could provide the following information ahead of the Senate Estimates hearings:

1. A timeline of key dates, including dates of ministerial decisions and briefings, concerning:
 - a. the conduct of the High Court litigation, including the decision to agree in the special case that there was no real prospect of the plaintiff being removed from Australia in the reasonably foreseeable future;
 - b. any approaches made to other countries concerning the plaintiff's removal from Australia;
 - c. the hearing and orders made on 8 November;
 - d. the release of individuals in detention;
 - e. the development of legislation considered by the Parliament;
 - f. the granting of visas to the affected cohort; and
 - g. the arrest or re-detention of any members of the affected cohort.
2. A breakdown of the number of individuals who were released from immigration detention as a result of the High Court decision, including information on:
 - a. the offences these individuals have been convicted of and the conviction date;
 - b. where released individuals are currently residing by state/territory and local government area;
 - c. how many released individuals are required to wear ankle bracelets;

- d. how many individuals have been re-detained since their initial release, and the reason for their re-detention;
 - e. how many times the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs has applied to a Supreme Court of a State or Territory for a community safety detention order (CSDO) or community safety supervision order (CSSO); and
 - f. how many times a CSDO or CSSO has been granted.
3. A breakdown of all costs to date incurred by the Commonwealth Government in managing this caseload, including law enforcement costs and Government assistance provided to the released cohort.

We would also appreciate it if you could provide your responses to questions on notice lodged on 15 January 2024 related to the NZYQ High Court decision ahead of the hearing dates.

Your assistance with this request is greatly appreciated.

Kind regards,

SENATOR JAMES PATERSON
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Shadow Minister for Cyber Security

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