

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES – 26 – 27 MAY 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE14/388) PROGRAMME – 2.1 and 2.2: Refugee and Humanitarian Assistance

Senator Conroy (Written) asked:

What is the process that must be followed before someone can be deported from Australia, under Australian law?

- a. How does this process change if the individuals are detained on land or at sea?
- b. Are the same processes followed for deportation from Australian land compared to interception in Australian waters, under current Australian law?

Answer:

Under section 198 of the *Migration Act 1958* (the Act), an officer must remove as soon as reasonably practicable an unlawful non-citizen in any of a number of specified circumstances. An unlawful non-citizen (UNC) is a non-citizen in the migration zone who does not hold a visa that is in effect.

Note also that under section 198AD of the Act, an officer must, as soon as reasonably practicable, take an unauthorised maritime arrival (UMA) who is detained under section 189 to a regional processing country.

When seeking to effect the removal of a UNC, the department undertakes several processes to ensure that the removal meets the requirements under s198 of the Act. This includes confirming the identity of the UNC, obtaining a health discharge summary and ensuring the UNC is liable for removal.

- a. The answer to this question contains information pertaining to onwater or other operation activities.
- b. The answer to this question contains information pertaining to onwater or other operation activities.