

## QUESTION TAKEN ON NOTICE

### BUDGET ESTIMATES – 26 – 27 MAY 2014

#### IMMIGRATION AND BORDER PROTECTION PORTFOLIO

#### **(BE14/391) PROGRAMME – 3.5 and 3.6: Illegal Maritime Arrival (IMA) Offshore Management**

Senator Conroy (written) asked:

What is the shortest period of time between someone being detained by authorities on Australian land and that person being deported?

- a. Does it matter what part of Australian land they are detained on, do the same laws apply to all Australian territories?
- b. Does the same apply to individuals detailed at sea?

*Answer:*

The shortest detention-to-removal process occurs when a person arrives in Australia by air, is refused immigration clearance and is not subsequently granted a visa (known as an 'airport summary removal'). The person is then detained under section 189 of the *Migration Act 1958* ('the Act') as they are an unlawful non-citizen (UNC). Section 198(2) of the Act provides for the removal of unlawful non-citizens from Australia who are refused immigration clearance; and s198 requires the department to remove the person from Australia as soon as reasonably practicable. Section 217 of the Act requires an airline to remove the person within 72 hours of being given a notice to effect the removal.

- a. The same laws apply across all Australian territories, with the exception of Norfolk Island, which has its own migration legislation.
- b. The answer to this question contains information pertaining to onwater and other operation activities.