

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING : 19 October 2015

#### IMMIGRATION AND BORDER PROTECTION PORTFOLIO

#### **(SE15/010) - (ABYAN) - Letter from her lawyer requesting more time to consider her decision - Programme 1.5: IMA Offshore Management**

Senator Hanson-Young, Sarah (L&CA 38) asked:

Senator HANSON-YOUNG: Did you see any request from Abyan or her lawyers on Friday, prior to her being removed, that indicated that she had asked for more time?

Mr Skill: I would have to check the timing. I do recall seeing a letter from the individual's lawyer. I could not confirm what time I received it but I can confirm that and I will see what time.

Senator HANSON-YOUNG: If you could, that would be helpful. To clarify: the lawyers have said publicly that the letter was a direct request from Abyan to have more time to consider her decision.

Mr Skill: I would have to check the content of the letter. To the best of my recollection, there was nothing brought to my attention, prior to the operation commencing to return the individual to Nauru, that would have changed the decision to remove her from Australia.

Senator HANSON-YOUNG: Did you receive the letter directly?

Mr Skill: Not to my recollection. I can check that. I think it was -

#### *Answer:*

Abyan advised IHMS medical staff on Thursday 15 October 2015, that she did not wish to proceed with a termination procedure at that time, or in the following week. As her reason for being in Australia (to undergo a termination procedure) did not exist at that time, she was returned to Nauru on 16 October 2015.

The Department received correspondence from Abyan's lawyer on the day of her return to Nauru stating that Abyan wanted more time to consider her position. This advice did not change the fact that the reason for Abyan being brought to Australia, to undergo a medical procedure, no longer existed. As such, the Department continued with Abyan's return to Nauru.