

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING : 17 October 2016

#### IMMIGRATION AND BORDER PROTECTION PORTFOLIO

#### (SE16/132) - Detainee transfers - Programme 1.4: IMA Onshore Management

Senator Carr, Kim (L&CA) written:

In relation to transferring detainees between facilities:

What are the processes when deporting a detainee?

What process is in place for checking the details of the individual?

Has the Department implemented all the recommendations from the Inquiries into Vivian Alvarez and Cornelia Rau?

What is the process when transferring a detainee between facilities?

Recently DIBP sent the wrong individual from the Maribyrnong Detention Centre to the Christmas Island Detention Centre, how was this error made?

Is there an ongoing investigation into this incident?

What were the findings of the DIBP's investigation?

Who is to blame for this error?

What support has been offered to the individual incorrectly transferred?

Given this case, what stops you from incorrectly deporting an individual in the same circumstance?

How many incorrect transfers have occurred in the last five years, please provide a list year by year.

*Answer:*

*What are the processes when deporting a detainee?*

The Department has a number of compulsory policy assessments before an unlawful non-citizen may be removed. These are set out in the removal availability assessment, which determines whether an unlawful non-citizen is available for removal. Once the unlawful non-citizen has been confirmed as being available for removal, a series of administrative and logistical processes commence to effect a removal from Australia.

*What process is in place for checking the details of the individual?*

The resolution of identity is undertaken using a series of checks within departmental systems, confirmation against identification documents and, where required and permitted under domestic legislation, with other Australian or foreign Government agencies.

*Has the Department implemented all the recommendations from the Inquiries into Vivan Alvarez and Cornelia Rau?*

Yes, all recommendations were implemented.

*What is the process when transferring a detainee between facilities?*

Placement decisions are part of a process of assessing and minimising risk to other detainees, service providers, visitors and staff. Detainee needs are considered in line with the department's duty of care to all detainees. In making placement decisions, medical needs are prioritised, and family and community links considered carefully.

Once a placement for a detainee has been confirmed arrangements are made to transfer that detainee to the receiving facility, either via commercial flight, charter flight or road transport.

A detainee must be fit to travel, before they are placed onto any transfer.

A detainee will be placed onto a charter if they are deemed too high risk for a commercial flight.

A final manifest is distributed to all relevant stakeholders prior to the transfer.

*Recently DIBP sent the wrong individual from the Maribyrnong Detention Centre to the Christmas Island Detention Centre, how was this error made?*

Procedural and administrative errors occurred resulting in the detainee being transferred from Maribyrnong Immigration Detention Centre (MIDC) to Christmas Island (CI) via Commercial Charter eight days ahead of his intended Charter Transfer date.

*Is there an ongoing investigation into this incident?*

The circumstances surrounding the individual's transfer have already been subject to review by the Operations Branch, in conjunction with the detention services provider, and action has been taken to avoid a similar incident occurring. An internal audit is being undertaken.

*What were the findings of the DIBP's investigation?*

From the operational investigation, it found that procedural and administrative errors resulted in a person, being transferred from MIDC to CI via Commercial Charter eight days ahead of his intended Charter Transfer date.

*Who is to blame for the error?*

The Department's contracted Facilities and Detainee Service Provider failed to complete contractually required identity checks throughout a number of points in the charter transfer process including when departing the detention facility and boarding the flight.

*What support has been offered to the individual incorrectly transferred?*

The individual has been inducted into the facility and has been afforded full access to the range of support services offered to all detainees within the Immigration Detention Network. This includes access to welfare and health services, the individual allowance program and recreational facilities as well as programs and activities conducted within the Christmas Island Immigration Centre.

*Given this case, what stops you from incorrectly deporting an individual in the same circumstance?*

When removing a person from Australia, officers conduct a comprehensive removal availability assessment covering, identity, immigration status at the time of removal, nationality, right of entry into the country of removal and any other matters before the Department.

*How many incorrect transfers have occurred in the last five years, please provide a list year by year.*

In July 2016, the National Placements Section took central responsibility for coordinating transfers across the immigration detention network. Since the centralisation of the transfer process there has been one error in transferring the wrong detainee, which occurred on 18 August 2016. To interrogate departmental and regional records for the last five years would be an unreasonable diversion of resources.