

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 25-27 May 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(187) Output 1.3: Enforcement of Immigration Law

Senator Nettle asked:

1. According to QoN 44, Ms Rau's case appeared on the Detention Review Committee (both central office and Qld office) on a number of occasions. What was discussed and what was decided? Can the committee be provided with the minutes from the relevant meetings?
2. According to QoN 44, Ms Rau was visited and interviewed by the Honorary German Consul in Brisbane. Did the consul provide DIMIA with a report of this interview in regard to Ms Rau's status? If so, please provide a copy of this report to the committee?
3. The initial medical assessment of Ms Rau was conducted by International Health and Medical Services (subcontracted from GSL) on the 6 October 2004. What was the result of this assessment? Was there any indication of a mental illness or need for follow-up?
4. According to QoN 44. The German Foreign Minister indicated to the Australian Embassy that from the letter they received from Ms Rau, they could tell she was not fluent in German - or had no schooling. Did DIMIA review Ms Rau's status as a suspected 'unlawful non-citizen' given this contradiction to her story? If not, why not?
5. It seems by as early January it was clear, even to DIMIA and GSL, that Ms Rau was suffering some kind of mental illness and the question was more whether it was serious enough for Ms Rau to be sectioned under the Mental Health Act, or continue to have her behaviour "modified" at Baxter through the behaviour modification plan including the management unit and red one compound. Given this, why was reasonable suspicion that she was an unlawful non-citizen not reviewed and overturned?
6. What was discussed with the Minister's office on 19 January in relation with Ms Rau? Was there any action resulting from this discussion?
7. Given the level of concern - at least 32 pieces of correspondence the Minister's office received, what did the office do to follow the Rau case up?

Answer:

1. Excerpts from the agendas and minutes for the Detention Review Committee meetings and Queensland detention review meetings where Anna Brotmeyer/Schmidt was mentioned are attached.

2. A short one page report of this interview was provided to the Department. The Department has written to the Honorary German Consul to request their permission for the release of this information to the Committee.

3. Departmental records indicate that Ms Rau (Anna Brotmeyer aka Schmidt) was referred to Professional Support Services on 6 October 2004. The referral reasons state

"Reports from QLD correction

Odd behaviour on induction refused to answer all questions mood labile

Crying placed onOBS"

There was no specific indication of mental illness and cites the assessment conclusion of the Princess Alexander Hospital (...*mental health fits no mental health criteria.*)

4. Ms Rau's (Anna Brotmeyer aka Schmidt) case remained under review during the period of her detention.

The information received from the German Ministry of Foreign Affairs on 3 December 2004 was one of many avenues that were being pursued in attempts to identify Ms Rau (Anna Brotmeyer aka Schmidt). The fact that the letter suggested to the Ministry that Ms Rau (Anna Brotmeyer aka Schmidt) "...*was not fluent in German (or maybe not literate if she has had no schooling), as the grammar was not correct.*" did not in itself, alleviate the reasonable suspicion surrounding Ms Rau's (Anna Brotmeyer aka Schmidt) citizenship status.

5. Mental illness alone was not necessarily determinative of her immigration status.

6. Ms Rau's case was discussed along with a number of detention cases and detention related matters. The focus of discussion on Ms Rau (Anna Brotmeyer aka Schmidt) was to provide the Minister's office with information on the status and progress of her case. No specific additional action or changes in the Department's course of action at the time resulted from this discussion.

7. A meeting was scheduled with the Minister's Office on the 19th January 2005 to discuss Ms Rau (Anna Brotmeyer aka Schmidt) and others. In addition, briefing in the form of a current issues brief was sent to the Minister's Office on the 31st January 2005.



Australian Government

Department of Immigration and Multicultural and Indigenous Affairs

MINUTE

FOLIO NO.

Manager
Compliance and Investigations
Brisbane

DETENTION REVIEW – 30 April 2004 QUEENSLAND

Case Officer : [REDACTED] ICSE Client ID [REDACTED]

SCHMIDT, ANNA

30. [REDACTED] Located in NT Qld by Police. Detained 31.03.04 and transferred to Brisbane Women's prison 5.04.04. Believed to be a German citizen but no positive ID. German authorities have been asked to assist with identity. Ms Schmidt is not co-operating.

REMOVAL CASELIST 07 JULY 2004

92560039264	BROTMAYER, Anna	21/03/1970	GERMAN Y, FEDERAL REP OF	Detained > 2 Weeks (No PV or Screen)	4/4/04 - Consu visited, believes she is Russian, referred case to Consulate in Sydney but requires more info. 18/5/04 - Completed passport application and was submitted.	Prison
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Agenda

Detention Review Committee Meeting

Wednesday 21 July 2004

North Building Level 2, Room: 2L100- 2L101, 2:00pm

2. Update on Last Meeting's Cases

BROTMEYER, Anna	Completed passport application and was submitted. RPO to follow up.
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REMOVAL CASELIST 21 JULY 2004 (report date 25/06/04)

92360039264	BROTMAYER, Anna	21/03/1970	GERMANIA, NY, FEDERATION OF REP OF	Detained > 2 Weeks (No PV or Screen)	4/4/04 - Consuli visited, believes she is Russian, referred case to Consulate in Sydney but requires more info. 18/5/04 - Completed passport application and was submitted. 16/7/04 - Passport application refused due to insufficient information. Post has been requested to assist with establishing identity.	Prison
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Brisbane

DETENTION REVIEW – 31 July 2004 QUEENSLAND

BROTMAYER AKA SCHMIDT, (Female) Detain 31 Mar 04 Bris Women

Case Officer ; ██████████ ICSE Client ID 92560039264

BROTMAYER AKA SCHMIDT, Anna Located in NT Qld by Police. Detained 31.03.04 and transferred to Brisbane women's prison 5.04.04. Believed to be a German citizen but no positive ID. German authorities have been asked to assist with identity. Ms Schmidt – Brotmeyer made an application for a German passport but due to insufficient detail it was refused. Overseas post assisting with identity. Psych report being prepared pending move to Baxter.

Agenda

Detention Review Committee Meeting

Wednesday 04 August 2004
North Building Level 5, Room SN243, 2:00pm

4.3 Last meeting's cases listed for update.

BROMEYER AKA SCHMIDT	It is hard to identify her. Unsure about her DOB. No link with community. DCC to arrange to have her transferred to Baxter.
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Draft MINUTES

Detention Review Committee Meeting

04 August 2004

Last meeting's cases for update

	BROTMEYER Anna	Add her name to finger print list.
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REMOVAL CASELIST 04 AUGUST 2004 (AS 16/07/04)

9260039264	BROTM EYER, Anna	21/03/1970	GERM ANY, FEDER AL REP OF	Detained > 2 Weeks (No PV or Screen)	4/4/04 - Consul visited, believes she is Russian, referred case to Consulate in Sydney but requires more info. 18/5/04 - Completed passport application and was submitted. 16/7/04 - Passport application refused due to insufficient information. Post has been requested to assist with establishing identity.	Prison
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Brisbane

DETENTION REVIEW – 31 August 2004 QUEENSLAND

BROTMAYER AKA SCHMIDT, (Female) Detain 31 March 04 Bris Women's

Case officer: [REDACTED] ICSE Client ID 92560039264

BROTMAYER AKA SCHMIDT, Anna Located in NT Qld by Police. Detained 31.03.04 and transferred to Brisbane women's prison 05.04.04. Believed to be a German citizen but no positive ID. German authorities have been asked to assist with identity. Ms Schmidt – Brotmeyer made an application for a German passport but due to insufficient detail it was refused. Overseas post assisting with identity. Psych report being prepared pending move to Baxter. Report now expected early September.



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Brisbane

DETENTION REVIEW – 30 September 2004 QUEENSLAND

BROTMAYER AKA SCHMIDT, (Female) Detain 31 March 04 Bris Women's

Case officer: ██████████

ICSE Client ID 92560039264

BROTMAYER AKA SCHMIDT, Anna Located in NT Qld by Police. Detained 31.03.04 and transferred to Brisbane women's prison 05.04.04. Believed to be a German citizen but no positive ID. German authorities have been asked to assist with identity. Ms Schmidt – Brotmeyer made an application for a German passport but due to insufficient detail it was refused. Overseas post assisting with identity. Psych report being prepared pending move to Baxter. Arrangements have been made for Ms Brotmeyer to transfer to Baxter on Wednesday 06.10.04. She has been medically cleared for transfer by BWCC Qld.

Draft MINUTES

Detention Review Committee Meeting

06 October 2004

2. Update on Last Meeting's Cases.

ACTION	BROTMEYER, Anna	RPO to follow up. Ask client to voluntarily provide fingerprints.
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REMOVAL CASELIST 06 OCT 04

02560039264	BROTMAYER, Anna	21/03/1970	GERM ANY, FEDE RAL REP OF	Detained > 2 Weeks (No PV or Screen)	4/4/04 - Consul visited, believes she is Russian, referred case to Consulate in Sydney but requires more info. 18/5/04 - Completed passport application and was submitted. 16/7/04 - Passport application refused due to insufficient information. Post has been requested to assist with establishing identity. 1/10/04 - Approved for transfer to Baxter, not cooperating, continues to provide contradictory information, German Consul cannot verify she is German.	Prison
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AGENDA

Detention Review Committee Meeting

Wednesday 27 October 2004

North Building Level 2, Room 2L100 – 2L101, 2:00pm

3. Update on Last Meeting's Cases.

BROTMEYER, Anna	RPO to ask client to voluntarily provide fingerprints.
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Draft MINUTES

Detention Review Committee Meeting

27 October 2004

2. Update on Last Meeting's Cases.

INFO	BROTMAYER, Anna	Interview by RPOS, provided vague answers, nothing that will assist in identifying her. Case coordinator has been asked to request fingerprints.
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REMOVAL CASELIST 27 OCT 2004

191 923550039264	BROTMEYER, Anna	21/03/1970	GERMA NY, FEDER AL REP OF	Detained > 2 Weeks (No PV or Screen)	<p>4/4/04 - Consul visited, believes she is Russian, referred case to Consulate in Sydney but requires more info. 18/5/04 - Completed passport application and was submitted. 16/7/04 - Passport application refused due to insufficient information. Post has been requested to assist with establishing identity. 1/10/04 - Approved for transfer to Baxter, not cooperating, continues to provide contradictory information, German Consul cannot verify she is German. 20/10/04 - Interview by RPOS, provided very vague answers, nothing that will assist in identifying her. Case coordinator has been asked to request fingerprints.</p>	Baxter IRPC
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