

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 21 May 2007

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(22) Output : Internal Product

Senator Nettle (L&CA 33) asked:

How many people have been told that they were unlawfully detained?

Answer:

Cases were referred to the Ombudsman based on the use of the system descriptor 'not unlawful' relating to the person's release from detention. Use of the descriptor does not necessarily mean an individual was unlawfully detained.

As at 30 June 2007, the Ombudsman has provided the Department with case analyses for each of the Referred Immigration Cases. The Ombudsman has stated that only a court of competent jurisdiction could conclusively determine whether there was a period of unlawful detention in any of the Referred Immigration Cases. The Department is reviewing each case analysis to determine what, if any, remedies may be appropriate and is in discussions with a number of people about the circumstances of their detention.