

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 1 November 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(103) Output 1.3: Enforcement of Immigration Law

Senator Kirk asked:

The Inquiry into the Migration Act received reports of deportees given only 10 minutes to pack, and no chance to say goodbye to friends and relatives. According to DIMIA procedure, how many hours ahead of time must a detainee be notified of his/her removal? What is DIMIA doing to ensure this rule is being adhered to?

Answer:

The Migration Act does not require that a person be given advance notice of their removal. However, the department's policy, which is set out at part 45 of the Migration Series Instruction 408, 'Removal from Australia', is that removees generally be given 48 hours (or more) written notice of their removal.

Where an officer believes that less than 48 hours notice of removal is appropriate, for example, to minimise the risk of the person harming themselves or others, or if there is a risk of the removal being disrupted, written approval must be obtained from a State/Territory Director or an SES officer. In such cases a written record of the reasoning behind the decision to provide less than 48 hours notice of removal is to be placed on the person's file.

The department is developing an audit plan for removal operations to ensure that removals policy and procedures are being adhered to, and to monitor for consistency across the department and to identify training needs.