

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 1 November 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(63) Output 1.3: Enforcement of Immigration Law

Senator Nettle (L&C 67) asked:

How does the fitness to travel requirement relate to the removal checklist?

Answer:

The Removal Checklist was part of Migration Series Instruction (MSI) number 267 'Advice of Removal Arrangements'.

On 25 August 2005, the Removal Checklist was replaced with a new form entitled 'Removal Availability Assessment'. This form (a copy is attached) must be signed off by a Senior Executive Service Officer or a State/Territory Director before a person can be removed.

On 1 November 2005, MSI 408 'Removal from Australia' was implemented. This MSI replaced MSIs 6, 267 and 376. The Removal Availability Assessment is included in MSI 408.

The requirement for a fitness to travel assessment is not included on the Removal Availability Assessment as the assessment will sometimes not be done until after it has been confirmed that the removee is available for removal. However, part 35 of MSI 408 requires that all detainees departing Australia must be cleared as fit to travel. Removals officers are to liaise with the Detention Services Provider, who will organise the assessment in accordance with the *Immigration Detention Standards* and the *Health Services Provider Operational Procedures*.

ATTACHMENT 2 - REMOVAL AVAILABILITY ASSESSMENT

Removee details

Name: _____

Date of birth: _____

Citizenship: _____

Client ID: _____

IDF (if applicable): _____

I have reviewed the client file and associated documents and am satisfied that:

- There are no outstanding/unresolved identity or nationality issues (see section 12.2 Identity/nationality)
- The person is an unlawful non-citizen *See folio.....*
- The person does not have any visa applications which have not been finally determined *See folio.....*
- The eligibility period for appealing to the MRT/RRT or the Courts, following a substantive visa refusal or cancellation, has expired *See folio.....*
- The person has requested removal under s198(1) OR the initial two working days (or seven working days if extension granted) in which the person may apply for a visa has ceased (s195(1)) *See folio.....*
- The person has been cleared by the department's litigation/legal area of having any outstanding court matters relating to the department *See folio.....*
- The person has no outstanding "ministerial intervention" requests OR has outstanding "ministerial intervention" request but Removals Support Section has cleared removal action *See folio.....*
- The person is not the subject of orders/injunctions preventing removal from Australia, to the department's knowledge
- The person, or any other party (eg Ombudsman, UNHCR), has not made any substantial claims against removal OR claims have been made which have been considered and finalised. *See folio.....*

CONCLUSION

In the absence of any of the above matters being unresolved, there is no known impediment to the removal from Australia pursuant to section 198 of the above named.

Signed:

Case officer

State/Territory Director or SES Officer

Date: _____

Date: _____

A copy of the completed assessment is to be placed on the removee's/deportee's file