

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING : 08 February 2016

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(AE16/033) - New Zealand custodial sentences - Programme 1.3: Compliance and Detention

Senator Carr, Kim (L&CA 62) asked:

Senator KIM CARR: Thank you. Given the level of interest this has generated across the Tasman and here in the Australian media, I noticed there were some comments from New Zealand MPs about this matter. Of the 146 who were removed, had they all served custodial sentences in Australia?

Mr Outram: The 106 removed between 1 November 2014 and—

Senator KIM CARR: Yes, and the 30 September 2015.

Mr Outram: Unless the deputy commissioner happens to have that to hand, I think we might need to take that on notice.

Senator KIM CARR: If you could

Answer:

Of the 146 New Zealand (NZ) citizens who were removed to NZ between 1 November 2014 and 30 September 2015, all had a single sentence, or multiple sentences of imprisonment, previously imposed where the total of that sentence, or those sentences, totalled 12 months or more.

Some of those individuals may have had those sentences suspended, or had sentences imposed from offshore jurisdictions.

The mandatory cancellation power, under section 501(3A) of the *Migration Act 1958*, came into effect on 11 December 2014. Of the 146 NZ nationals removed, 101 had been cancelled under section 501(3A). One of the prerequisites to enlivening this power is that the NZ national must have been serving a full-time custodial sentence in Australia at the time of their visa cancellation.