

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 13 February 2006

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(12) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 9) asked:

What I am going to establish is what information the committee may be able to obtain from the department about the review of those decisions—whether or not they have confirmed the original decision by the officers for detention or whether they have overruled them, and what has happened as a consequence.

Answer:

Since inception in May 2005 until the end of January 2006, Detention Review Managers (DRMs) have reported 11 cases where a DRM's direct involvement has resulted in persons being released from immigration detention.

Of these 11:

- 3 were released after the DRM found the cases to be affected by court judgments such as Nystrom and Srey;
- 5 were released after the DRM recommended the grant of Bridging Visas E for persons in immigration detention; and
- 3 unlawful non-citizens held in immigration detention were granted Bridging Visas E after they were convicted of criminal offences, to cover the duration of their sentences of imprisonment.

Detention Review Managers provide an assurance that there is adherence to legislation and procedural instructions where a person is taken into immigration detention. Of particular importance is the establishment of the person's identity, the maintenance of reasonable suspicion that the person is an unlawful non-citizen, and the consideration of all options for visas and detention alternatives.