

## **QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARINGS: 11 February 2013**

IMMIGRATION AND CITIZENSHIP PORTFOLIO

**(AE13/0112) PROGRAM – Internal Product**

Senator Cash (L&CA 111) asked:

Of the people who had been earmarked for voluntary removal, what was the basis of their legal challenge? When did the proceedings commence? When did the department make the decision that these people would no longer be subject to removal? When did they withdraw the legal proceedings?

*Answer:*

This should be read in conjunction with the answer to AE13/0111.

These clients were not earmarked for voluntary removal. Instead, they were being considered for possible involuntary removal.

The basis of the challenge by the first group was a claim that they had not had their protection claims under the Refugees Convention considered. The proceedings were commenced on 3 December 2012. The Department had not yet made a decision to remove them. However, in light of the litigation the Department withheld further consideration of their removal.

The clients withdrew the legal proceedings on 5 December 2012.

The basis of the challenge by the second group was a claim that they were subject to a discriminatory and arbitrary screening process. These proceedings were commenced on 12 December 2012. Again the Department had not yet made a decision to remove them. However, in light of the litigation the Department withheld further consideration of their removal.

These clients withdrew their separate legal proceedings over a period of time spanning late December 2012 to early January 2013.