

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
ASIO

**Question No. 117**

**Senator Brown asked the following question on 31 October 2005:**

*[Background: Appeal waiver: When Scott was in custody, he was told that if he signed a waiver against his rights to appeal under the MRT, he would be able to return to the USA more quickly. This interaction was through an Immigration office Compliance Officer. He apparently did sign that waiver, but it was thrown out as not having any validity when his Migration lawyer spoke with him on the Tuesday.]*

- (a) Mr Parkin asserts that on the day after he was taken in detention, he was advised that any attempt to appeal the revocation of his visa would prolong his detention and pressured to sign a statement waiving his right to appeal.
- (b) What was the document that Mr Parkin was pressured to sign?
- (c) Was it a standard Department of Immigration document?
- (d) Do you have a copy of it available for the committee?
- (e) Why was Mr Parkin asked to sign this document?
- (f) Is it established practice by the Department of Immigration to encourage detainees to waive their appeal rights?
- (g) Was it explained to Mr Parkin by the Immigration Compliance Officer the different legal implications between him being removed versus being deported?
- (h) Was he told that he would be removed or deported when he was first taken into custody?
- (i) Did Immigration Officials ever imply to Mr Parkin that if he didn't sign the waiver form, that his removal from Australia would be delayed, or that he would instead be deported?
- (j) Was Mr Parkin transferred and detained in the Melbourne Custody Centre rather than Maribyrnong Detention centre like other immigration detainees?
- (k) Was it to prevent access to him by lawyers, friend and media?
- (l) Can you confirm under which section of the Migration Act Mr Parkin's visa was cancelled. Was it s.116(3) or s.200?

**The answer to the honourable senator's questions is as follows:**

(a) – (l) This is a matter for the Department of Immigration and Multicultural and Indigenous Affairs.