

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 20 OCTOBER 2009

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(107) Program 4.1: Visa Compliance and Status Resolution

Senator Fierravanti-Wells asked:

1. How many more appeals can Mehmet Ince make before he will be deported?
2. Why was Mehmet Ince allowed out of the Maribyrnong Detention Centre for six hours to visit his mother?
3. Who made the decision that Ince was an “appropriate candidate for a home visit”?
4. Has Heather McDonald, the mother of Ince’s murder victim, been given up-to-date information by the Department relating to Ince’s endless appeals?

Answer:

1. The Department is unable to answer this question as Mr Ince may yet seek access to courts on matters that cannot currently be anticipated. All outstanding legal matters need to be resolved before removal can take place.

To clarify, Mr Ince is not being deported; rather, he is in the process of being removed from Australia, pursuant to section 198 of the *Migration Act 1958*.

2. Immigration detention is administrative, not punitive or correctional detention, and is for the purpose of holding unlawful non-citizens pending their removal from Australia. All persons held in immigration detention may apply for limited access to excursions.

All requests for external excursions are subject to a risk assessment, and are decided on a case-by-case basis after careful consideration of the individual circumstances of the detainee, the reasons for the external excursion, as well as security issues, which includes the detention services provider visiting the physical location of the excursion. At all times, the detainee is appropriately escorted by detention services staff.

3. All decisions on requests for external excursions are made by a senior officer of the Department. In this case, the Department’s Detention Services Regional Manager for Victoria made the decision.

4. The Department is constrained by the *Privacy Act 1988* from disclosing details of an individual’s case to another person without the consent of the individual. Departmental officers have spoken to Mrs McDonald and her other family members to explain the process for removing a person whose visa is cancelled under s501 of

the *Migration Act 1958*, and to answer their questions within the constraints of the *Privacy Act 1988*. Mrs McDonald has also been provided with a Departmental contact officer with whom she has been in regular contact.