

APPENDIX 11

DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AFFAIRS MIGRATION SERIES INSTRUCTION MSI – 22

Advice to Removees

- 3.1 While there is no specific provisions under the Act requiring a removee (or their spouse or dependent children) to be advised of removal arrangements, we provide written advice to ensure that the removee understands the arrangements for their removal.
- 3.2 Section 254 provides for removees held in the custody of a Commonwealth State or Territory authority (ie. a prison) to be notified in writing in advance that:
- they may be removed from Australia at the end of their period of custody; and
 - on completion of their custodial sentence they may be taken into and held in immigration detention until their removal
- 3.3 Persons detained under the Migration Act are advised of their liability for removal by means of the '*Notice to Persons in Immigration Detention*'.

Providing Removal Advice

- 4.1 The removee should be given reasonable notice of their removal arrangements (at least 48 hours before departure) unless there are significant security reasons or other risks (eg. possibility of a suicide attempt (5)) for a later notification
- 4.2 Officers should be flexible in applying this policy guideline, taking into account, for example, whether the 48 hours coincides with a weekend and the feasibility of the detainee making arrival arrangements in the country of destination.
- 4.3 When the removee has a legal representative, notice is to be provided to that person and a copy of the removal arrangements provided to the removee. If the removee is in an IDC or correctional institution, the manager of the IDC or prison is to be informed in writing. To protect the removee's privacy (6), inquiries from third parties such as family and friends are to be referred to the removee to answer directly.