

Immigration department slammed – The Baxter immigration Centre Case

A series of reports have revealed the immigration department wrongly detained 247 Australian citizens and other lawful visa holders over a 14-year period.

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Four reports were released by the commonwealth ombudsman today, relating to 226 cases of detention between 1993 and 2007, which add to findings on 21 cases published last December.

They follow an investigation sparked by the wrongful detention of mentally ill Australian resident Cornelia Rau and deportation of Australian citizen Vivian Alvarez Solon.

The cases involved people who were detained by the immigration department but later released as they could not be held any longer.

One of the reports says that in 22 cases, immigration officials authorised a person's detention because they could not find a record of that person on departmental computer systems.

In other cases, poor data management within the department led to people being detained despite their details being on immigration systems.

And immigration officers relied too heavily - and sometimes solely - on information given by police, and often failed to conduct their own inquiries to establish a person's right to be in Australia.

reports singled out a culture within the department of "accepting a low standard of proof to detain a person, yet requiring a high standard of proof to authorise a person's release from detention".

The ombudsman, John McMillan, said the department had failed categorically to conduct adequate checks before placing people in detention.

"It is inexcusable that there were such frequent errors leading to the detention of people who had a lawful right to live unrestrained in the community," Prof McMillan said.

The ombudsman acknowledged there had been improvements in immigration processes following the Palmer report in 2005.

But system failures had resulted in the loss of freedom for hundreds of people which could have "grave consequences" for them and their families.

"There should be nothing short of a careful and lawful exercise of the power to detain a person, characterised by thorough attention to detail and ongoing review of any decision to detain a person," Prof McMillan said in a statement.

"Unfortunately, this was not the case in the majority of these matters."

The ombudsman makes several recommendations, accepted by the immigration department, aimed at improving record keeping and preventing more people from being wrongfully detained.

The reports come a day before Ms Rau's compensation claim is due to be heard in the NSW Supreme Court.

The federal government confirmed on Sunday it had offered to discuss awarding Ms Rau an "interim payment" for her wrongful detention in 2004 and 2005.

The German-born woman was held in a Queensland women's prison and later in the Baxter immigration detention centre after she absconded from a Sydney psychiatric hospital and was mistaken for an illegal immigrant by authorities in far north Queensland.

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