



Australian  
**BORDER FORCE**

## Submission

For Information

PDMS Ref. Number MS24-001612

Date of Clearance: 30 August 2024

**To** Minister for Home Affairs, Minister for Immigration and Multicultural Affairs, Minister for Cyber Security

**Subject** Transfer of Unauthorised Maritime Arrival S. 47F(1) [redacted] to Nauru

**Timing** *Not time Critical*

### Recommendations

That you:

s. 33(a)(iii), s. 47E(d), s. 47F(1)

noted / please discuss

noted / please discuss

noted / please discuss

Minister for Home Affairs, Minister for Immigration and Multicultural Affairs, Minister for Cyber Security

Signature.....

Date: / / 2024

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Minister's Comments

**Key Issues**

s. 47E(d), s. 47F(1)

s. 33(a)(iii), s. 47F(1)

s. 33(a)(iii), s. 47E(d), s. 47F(1)

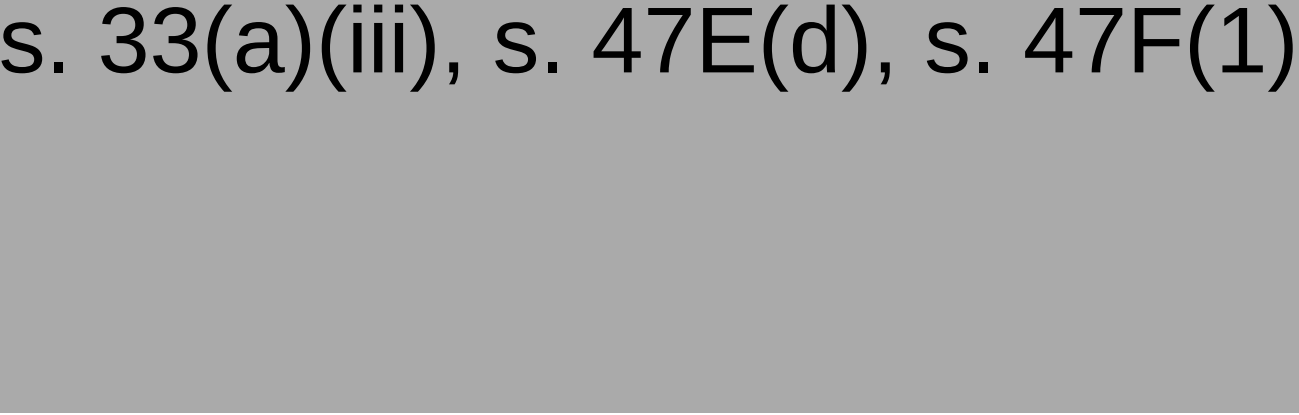
s. 33(a)(iii), s. 47E(d)

7. In accordance with section 198AD of the Act, Potential Irregular Immigrants who enter Australia's migration zone by sea and become UMAs according to the definition in section 5AA of the Act, and who are subsequently detained under section 189 of the Act, are required to be transferred to an RPC as soon as reasonably practicable. The Republic of Nauru has been designated as an RPC.

s. 33(a)(iii), s. 47E(d), s. 47F(1)

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s. 33(a)(iii), s. 47E(d), s. 47F(1)



**Background**

s. 33(a)(iii), s. 47F(1)



s. 33(a)(iii), s. 47E(d), s. 47F(1)



*Public reporting*

s. 47E(d)



14. Operational activity under OSB is made publicly available through monthly updates published online in the ABF Newsroom on the last Friday of the month following an operational resolution. This tempo of public reporting was established under the former Minister for Home Affairs, the Hon Clare O'Neil MP, and ensures that information is only publicly confirmed once an operational matter is no longer sensitive to OSB.

s. 33(a)(iii), s. 47E(d), s. 47F(1)



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16. s. 33(a)(iii)

Australian media outlets (the Guardian, ABC News, SBS News) have been in contact with transferees among the current regional processing cohort on a number of occasions. s. 37(2)(a)

### Consultation – internal/external

17. This submission has been prepared in consultation with the following internal stakeholders:

- Legal Group through Operations Law (Maritime);
- Regional Processing Branch; and
- Humanitarian Program Operations Branch.

### Consultation – Secretary / ABF Commissioner

s. 33(a)(iii), s. 47E(d), s. 47F(1)

### Risks and Sensitivities

s. 47E(d)

21. The information contained in this submission is classified and should not be publicly released without the authority of the Department of Home Affairs.

### Financial/systems/legal/deregulation/media implications

s. 33(a)(iii), s. 47E(d), s. 47F(1)

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**Attachments**

23. Nil.

| Authorising Officer                                                                             |
|-------------------------------------------------------------------------------------------------|
| Cleared by:                                                                                     |
| <br>                                                                                            |
| Rear Admiral Brett Sonter RAN<br>Commander, Joint Agency Task Force Operation Sovereign Borders |
| Date: 30 August 2024<br>Mob: S. 22(1)(a)(ii)                                                    |

**Contact Officer**

JATF OSB: Mark Whitechurch, Deputy Commander JATF OSB, S. 22(1)(a)(ii)

Regional Processing: Shan Strugnell, Regional Processing Branch, S. 22(1)(a)(ii)

Legal Group: Kerrie Cowan, Assistant Secretary Security, Disputes and Operational Law, S. 22(1)(a)(ii)

**Through** N/A

**CC** Assistant Minister for Immigration  
Secretary  
ABF Commissioner