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Removal from Australia

Procedural Instruction

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1. Purpose

This Procedural Instruction (PI) outlines the legislative powers, principles and policies that guide officers of the Department of Home Affairs (the Department) including the Australian Border Force (the ABF), contracted service providers and stakeholders when effecting the removal of unlawful non-citizens (UNC) from Australia in a lawful manner, consistent with the [Immigration Compliance and Status Resolution Framework – Policy Statement \(PS\)\(SM-5122\)](#) and *Migration Act 1958* (Migration Act).

A non-citizen in the migration zone who does not hold a visa that is in effect is an UNC (with the exception of lawful non-citizens covered by subsection 13(2) of Migration Act). If an UNC is unwilling or unable to resolve their visa status through the grant of a visa, or in certain limited circumstances through acquisition of citizenship, the non-citizen will have no right to remain in Australia and may be liable for immigration detention under section 189 of the Migration Act and removal from Australia under section 198 of the Migration Act.

2. Scope

2.1. In scope

Non-citizens in scope of this PI are those who are being progressed for removal or deportation where they:

- Are liable for removal under section 198 of the Migration Act; or
- Are dependent(s) of removed non-citizens and subject to removal under section 199 of the Migration Act; or
- Are subject to deportation under section 200 of the Migration Act; or
- Are a deportee's dependent(s) and subject to removal under section 205 of the Migration Act.

For further information on when a person becomes available for removal or deportation, refer to the [Removal from Australia – Establishing Liability and Availability – Standard Operating Procedure \(SOP\) \(BC-7203\)](#).

2.2. Out of scope

All non-citizens not being progressed for removal or deportation are out of scope of this PI, including:

- Maritime interceptions detained under the [Maritime Powers Act 2013](#), who are not brought onshore and detained under the Migration Act. For further information, refer to the [Response to a Suspected Illegal Entry Vessel and Unauthorised Maritime Arrivals in Australia's Migration Zone – PI \(BE-6309\)](#)
- UNC's found to engage *non-refoulement* obligations in a protection visa process. For further information, refer to the [Pre-removal Clearances and Informed Request for Removal Statements – PI \(VM-3226\)](#)
- Returns. For further information, refer to the [Return and Reintegration Assistance Program – PI \(BC-827\)](#)
- Non-citizen non-aliens. For further information, refer to [Removal from Australia – Establishing Liability and Availability – SOP \(BC-7203\)](#)
- Border and arrival turnaround/summary removals (non-citizens who have been refused immigration clearance at an Australian airport or seaport, or who are due for removal from an Immigration

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Detention Facility (IDF) within 72 hours) under subsection 198(2). For further information, refer to the [Summary Removal – PI \(BC-2460\)](#).

3. Procedural Instruction

3.1. Removal from Australia

A range of factors may affect the Department's ability to progress a removal. In many cases, these barriers are temporary and can be resolved through the removal planning processes. If possible, Removal Officers should continue progressing removal planning while resolving or waiting on the resolution of barriers.

This document should be used in conjunction with the:

- [Removal from Australia – Establishing Liability and Availability - SOP \(BC-7203\)](#)
- [Removal from Australia – Planning and Logistics - SOP \(BC-7204\)](#)
- [Removal from Australia – Guides - SM \(BC-7205\)](#).

Note: The term 'detainee' and 'removee' are used interchangeably throughout this PI and the abovementioned documents. Where possible, the term 'removee' is used for a detainee that has been notified of removal. While a 'removee' is often concurrently a 'detainee', there are exceptions, for example Australian citizen dependents of a removee/deportee under sections 199 and 205 of the Migration Act.

3.2. Legal, regulatory and policy frameworks

3.2.1. Acts relevant to removals

Acts relevant to removals include:

- Migration Act 1958
- Australian Border Force Act 2015
- Australian Citizenship Act 2007
- Environment Protection and Biodiversity Conservation Act 1999
- Fisheries Management Act 1991
- Privacy Act 1988
- Torres Strait Fisheries Act 1984
- Work Health and Safety Act 2011.

For further information, refer to the [Federal Register of Legislation](#).

3.2.2. Aviation Transport Security Regulations

The Aviation Transport Security Regulations 2005 (ATSR) is subordinate to the Aviation Transport Security Act 2004. The purpose of these provisions is to establish a regulatory framework to safeguard against unlawful interference with aviation, including the minimum security requirements for civil aviation in Australia, by imposing obligations on persons engaged in civil aviation related activities. For further information, refer to the [Federal Register of Legislation](#).

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3.2.3. Status Resolution System Control Framework

The purpose of the [Status Resolution System Control Framework – PS \(BC-763\)](#) is to provide the Department, particularly ABF Removal Officers, with overall guidance on:

- Specific controls and oversight processes that seek to address high-risk activities
- Linkages and dependencies between program areas within the status resolution system, specifically relating to the flow of information, activities and the transition of non-citizens.

High-risk activities are addressed through the implementation of specific controls and oversight processes, including the application of Mandatory Control Points (MCPs). For further information, refer to the *Status Resolution Systems Control Framework – Mandatory Control Points – SM (BC-6186)*.

Removal Officers must employ MCP10 when assessing whether a removee is liable and available for removal. Refer to the [Removal from Australia – Guides – SM \(BC-7205\)](#).

3.2.4. C3 doctrine

The [C3 Doctrine](#) (ADD2022/3466072) informs and guides how all operational activities are planned, coordinated, communicated and executed and is a mandated guide for use by ABF Officers. C3 doctrine aligns with the ABF Operational Planning Framework, allowing a unified command approach to all planned and unplanned operations and when resolving incidents. For further information, refer to the [ABF Operations](#) SharePoint site.

In the context of removals, the C3 Doctrine principles of command, control and coordination apply to a planned escorted removal operation, and to the management and coordination of an incident during a removal. The principles of C3 provide a hierarchical approach to the analysis, planning, coordination, authorisation and conduct of operations, and importantly, create a risk-based responsibility and accountability framework. For guidance on C3 operational policy during an escorted removal operation, refer to the [Operational Departure Plan Guide](#) (ADD2011/1327425) in the [Removal from Australia – Guides – SM \(BC-7205\)](#).

3.2.5. International Treaties relevant to removals from Australia

International Treaties relevant to Removals include:

- *Convention on International Civil Aviation 1944* (Chicago Convention)
- *Convention on offences and certain other acts committed on board aircraft 1963* (Tokyo Convention)
- *Convention on Rights of the Child 1989*
- *International Covenant on Civil and Political Rights 1967*
- *The Refugee Convention 1951* and 1967 Protocol relating to the Status of Refugees.

For further information on international treaties, refer to the [United Nations Treaty Collection](#).

3.3. Legal review and Ministerial Intervention

Removal Officers are required to conduct thorough pre-removal checks to ensure that a person has no outstanding matters before the Department or the judicial system, such as outstanding substantive visa applications, appeals and Ministerial Intervention (MI) requests.

Removal Officers should regularly monitor and review the person's circumstances to check their availability for removal. They will also need to work with the Status Resolution Officer (SRO) to address any barriers to resolving the person's immigration status.

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Removal arrangements may in some circumstances be pursued while the person is considered unavailable for removal so that removal can take place promptly when the person becomes available for removal. For further information, refer to the [Removal from Australia – Establishing Liability and Availability – SOP \(BC-7203\)](#) and [Removal from Australia – Guides – SM \(BC-7205\)](#).

3.3.1. Merits review

Merits review is a process where an independent body reassesses the facts, law, and policy aspects of a decision made by the Department. This review aims to determine whether the original decision was correct and fair. It involves a thorough examination of the evidence and circumstances surrounding the decision, and the review body has the authority to affirm, vary or set aside the original decision.

The Migration Act and the *Migration Regulations 1994* (the Regulations) detail who can apply for review to the Tribunals, how they must apply, the timeframes for applying, the manner in which the review will be conducted, the powers of the tribunals and how the applicant will be notified of the decision.

In the context of migration, merits review often involves the Administrative Review Tribunal (ART).

3.3.1.1. Administrative Review Tribunal (ART)

The ART provides independent review of a wide range of administrative decisions made by the Australian government and, in some limited circumstances, a non-government body. This includes independent and final merits review of decisions made under the Migration Act in relation to visas.

For further information on review processes, timeframe and operation of the review tribunals, refer to the [ART](#) website.

3.3.2. Judicial review

Following the exercise of merits review rights, a person can seek judicial review (JR) of the merits review decision. JR is a legal process where a court examines the lawfulness of a decision or action made by a government authority or public body. The purpose of JR is to ensure that the decision was made in accordance with the law, and that the decision-maker did not exceed their powers or act unfairly. It does not involve re-evaluating the merits of the decision itself but focuses on the process and legality of how the decision was made.

For example, if a person believes that the Department or the ART has made an incorrect decision regarding their visa application, they can apply for JR to have a court assess whether the decision was made lawfully and fairly. If the court finds that the decision was unlawful, it can set aside the decision and potentially order the decision-maker to reconsider the matter.

JR cases are typically heard in the Federal Circuit and Family Court of Australia, Federal Court of Australia and High Court of Australia.

3.3.2.1. Federal Circuit and Family Court of Australia

The Federal Circuit and Family Court of Australia (FCFCA), formerly the Federal Circuit Court, was established by the *Federal Circuit and Family Court of Australia Act 2021* (Cth) as an independent federal court under Chapter III of the Constitution. The Court is a federal court of record and a court of law and equity, and shares jurisdiction with the Federal Court of Australia in respect of migration and general federal law.

The FCFCA can review some decisions made under the Migration Act. These include some decisions of the Minister and the ART. The Court can only review a decision in order to determine if a 'jurisdictional error' has been made.

For further information, refer to the [Federal Circuit and Family Court of Australia](#) website.

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3.3.2.2. Federal Court of Australia

The Federal Court of Australia (FCA) was created by the *Federal Court of Australia Act 1976* and began to exercise its jurisdiction on 1 February 1977. The FCA is a superior court of record and a court of law and equity, and has jurisdiction under the Judiciary Act to hear applications for JR of decisions by officers of the Commonwealth.

The FCA has a substantial and diverse appellate jurisdiction. It hears appeals from decisions of single judges of the FCA, from the FCFC in non-family law matters and from other courts exercising certain federal jurisdiction.

For further information, refer to the [Federal Court of Australia](https://www.fca.gov.au/) website.

3.3.2.3. High Court of Australia

The High Court is the highest court in the Australian judicial system. It was established in 1901 by section 71 of the Constitution. The functions of the High Court are to interpret and apply the law of Australia, to decide cases of special federal significance including challenges to the constitutional validity of laws, and to hear appeals, by special leave, from Federal, State and Territory courts. For further information, refer to the [High Court of Australia](https://www.hcourt.gov.au/) website.

3.3.3. Litigation

Removal cases and processes are frequently subject to legal challenges. Removal Officers who require legal advice and support regarding removals litigation matters involving the Department should contact the Migration and Citizenship Litigation Branch by emailing [S. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](mailto:S.22(1)(a)(ii)@homeaffairs.gov.au), which can direct the enquiry to the relevant person or team. For advice in relation international law and *non-refoulement* obligations, contact the International Law and Protection Obligations Section by emailing [S. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](mailto:S.22(1)(a)(ii)@homeaffairs.gov.au).

3.3.3.1. Case Law

In common law jurisdictions such as Australia, there are two primary sources of the law: case law and legislation. Case law is equally important in interpreting the law. Case law is law made by judges through their decisions in court cases. These decisions usually result in a judgment which explains whether the judge has interpreted the law made in Parliament and/or followed a precedent established in a previous court case. A judge may also apply a new meaning to an area of law. Case law involves reading legal judgments - understanding the reasons behind a judgment and how the law has been interpreted by the judge.

Case law needs to be applied to removal cases and considered in conjunction with legislative provisions, to ensure that decisions are made in accordance with established legal principles and precedents. This application promotes fairness, consistency and legality in the decision-making process. By referencing past legal judgments, decision-makers can ensure that similar cases are treated similarly, which helps to uphold the rule of law and prevent arbitrary or unjust outcomes. Applying case law helps to interpret and clarify existing legislation, providing a more comprehensive understanding of how the law should be applied in specific situations.

For further information on case law that may impact removal planning processes, refer to the 'Network Advice' which is found on the [Status Resolution Help Desk](#) SharePoint site, or to any other litigation communications circulated directly by the Department's Legal Division.

3.3.3.2. DBB16 and CBW20 Federal Court Cases

For further information on [DBB16 v Minister for Immigration and Border Protection \[2018\] FCAFC 178](#) (DBB16) or [MICMSMA v CBW20 \[2021\] FCAFC 63](#) (CBW20), refer to the [Removal from Australia – Guides – SM \(BC-7205\)](#) or contact Onshore Protection Litigation by emailing [S. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](mailto:S.22(1)(a)(ii)@homeaffairs.gov.au).

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3.3.3.3. NZYQ High Court Case

On 8 November 2023, the High Court of Australia handed down its decision in the case of [NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs \(S28-2023\) \[2023\] HCA 37](#), ruling that an UNC cannot continue to be kept in immigration detention for the purpose of their removal from Australia once there is no real prospect of their removal becoming practicable in the reasonably foreseeable future. For further case information, including the Order and Judgement, refer to [NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs \(S28-2023\) \[2023\] HCA 37](#).

For further information on identifying and assessing removal cases that may be NZYQ affected, refer to the [Removal from Australia – Establishing Liability and Availability - SOP \(BC-7203\)](#).

3.3.3.4. ASF17 v Commonwealth of Australia [2024] HCA19

On 10 May 2024, the High Court dismissed ASF17's appeal. The case related to whether the constitutional limit identified in NZYQ applies where the reason why a detainee cannot be removed from Australia is their lack of cooperation with efforts to remove them.

ASF17 is a citizen of Iran who had been found not to engage Australia's *non-refoulement* obligations through a protection visa application process. Iranian citizens cannot enter Iran from Australia without a travel document issued by Iranian authorities; Iranian authorities have a longstanding policy of not issuing travel documents to involuntary returnees. ASF17 had consistently refused to cooperate with the Department's efforts to obtain an Iranian travel document in order to facilitate his departure.

ASF17 contended that his non-cooperation with removal to Iran was irrelevant to determining whether the NZYQ constitutional limit to detention had been reached. In other words, it did not matter why there was no real prospect of his removal becoming practicable – only that there was no real prospect. Alternatively he argued that his refusal to cooperate was due to a genuinely held subjective fear of harm in being returned to Iran, and this was sufficient to engage the limit.

The High Court held that where a detainee is able to be removed to a country and has the capacity/ability to cooperate with their removal, but refuses to do so, their ongoing detention is constitutionally permissible. The High Court noted that ongoing detention arising from a voluntary decision of a detainee not to cooperate with their removal cannot be characterised as penal or punitive, as their removal from Australia can occur in the reasonably foreseeable future if they were to cooperate with the removal process.

3.3.3.5. Removal cases with ongoing criminal proceedings

In circumstances where a person is subject to criminal proceedings, Removal Officers should notify the police/Department of Public Prosecution before progressing removal arrangements. In circumstances where a person is subject to a Criminal Justice Certificate, Removal Officers should contact the s. 22(1)(a)(ii) [@homeaffairs.gov.au](#). For further information, refer to the [Removal from Australia – Establishing Liability and Availability – SOP \(BC-7203\)](#).

3.3.4. Ministerial Intervention

The Minister has non-delegable, non-compellable powers under several sections of the Migration Act to intervene in individual cases if the Minister thinks it is in the public interest to do so. The Minister decides what is and what is not in the public interest. Ministerial powers include:

- Post review powers to substitute a more favourable decision (sections 351 and 501J)
- Powers to grant a detainee a visa and make, vary or revoke a residence determination (sections 195A, 197AB and 197AD)
- Bar lift powers (sections 46A, 46B, 48B and 91L).

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The MI and International Obligations teams coordinate the processing of cases that have requested, or are being referred to the Minister for, MI under the Migration Act. For further information, refer to the [Removal from Australia – Establishing Liability and Availability – SOP \(BC-7203\)](#) and [Removal from Australia – Guides – SM \(BC-7205\)](#).

3.4. Legislative basis for removal

The legislative powers under which a person can be removed or deported from Australia are:

- Removal under section 198 of the Migration Act
- Removal under section 199 of the Migration Act of the partner/dependants of an unlawful non-citizen
- Deportation under section 200 of the Migration Act
- Removal under section 205 of the Migration Act of the partner/dependants of a deportee.

'Removal' is the term used to describe the removal from Australia under section 198 of the Migration Act of non-citizens who do not hold a visa and are therefore unlawful non-citizens. This includes non-citizens who have never held a visa, those who have applied for a visa but had their application refused, those whose visas have been cancelled and those whose visas have ceased. For further information on legislative powers, refer to [LEGEND](#).

3.4.1. Removal

A non-citizen in the migration zone who does not hold a visa that is in effect is an UNC (with the exception of lawful non-citizens covered by subsection 13(2) of Migration Act), including but not limited to non-citizens who have:

- Arrived in Australia without a visa
- Had their visa refused or cancelled while onshore; or
- Overstayed their visa.

If an UNC is unwilling or unable to resolve their immigration status, such as being eligible to apply for another visa or the Minister agreeing to intervene and grant a visa, they will have no right to remain in Australia and will be liable for detention under section 189 and removal from Australia as soon as reasonably practicable under section 198 of the Migration Act. In all cases, the removal must be 'as soon as reasonably practicable'. For further information on ensuring there are no unnecessary delays in progressing and effecting removal planning, refer to the [Removal from Australia – Establishing Liability and Availability – SOP \(BC-7203\)](#).

3.4.2. Deportation

Deportation is concerned with non-citizens who are leaving Australia subject to a deportation order issued under section 200 of the Migration Act based on grounds set out in sections 201 to 203 of the Migration Act (convictions for crimes, convictions for serious offences and security grounds). When a person is deported from Australia, they are a lawful non-citizen who holds a visa. Their visa ceases when they leave Australia. Deportation is a rarely used power. In most cases, non-citizens who have committed a crime serious enough to warrant removal from Australia will have their visa cancelled under section 501 (character grounds) of the Migration Act and be removed from Australia as an UNC under section 198 of the Migration Act.

Although the procedures set out in this suite of removal operational policy documents refer explicitly to removal under section 198 of the Migration Act, they apply equally to the planning and management (including travel arrangements, aviation procedures and escort arrangements) of deportees under section 200 of the Migration Act.

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For further information about deportation from Australia under section 200 of the Migration Act, refer to the criminal deportations part within [Section 501: The character test, visa refusal and visa cancellation – PI \(VM-1001\)](#) or contact the Complex and Controversial Cases Section, by emailing s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto: @homeaffairs.gov.au).

3.4.3. Partners or dependants of removees/deportees

Sections 199 and 205 of the Migration Act allow for the removal, on request, of a spouse or de facto partner and/or dependent child/children of the removee/deportee in the following circumstances:

- Spouse/de facto partner of the removee/deportee requests their removal – subsection 199(1) and paragraph 205(1)(a) of the Migration Act
- Spouse/de facto partner of the removee/deportee requests their removal with a dependent child/children of the removee/deportee – subsection 199(2) and paragraph 205(1)(b) of the Migration Act
- Removee/deportee requests removal of their dependent child(ren) – subsections 199(3) and 205(2) of the Migration Act.

This discretionary power to remove exists even where the partner and/or child(ren) are Australian citizens or lawful non-citizens.

For further information on removal of partners and dependants, refer to the [Removal from Australia – Planning and Logistics – SOP \(BC-7204\)](#).

3.4.4. Other sections under the Migration Act relevant to removals

The below sections of the Migration Act are also relevant in removal operations:

- 189 - Detention of UNC
- 198AE - Ministerial determination that section 198AD does not apply
- 199C - Minister may give removal pathway directions
- 210 and 212 - Liability of removal/deportation costs
- 214 - Non-citizens and carriers jointly liable
- 216 - Use of existing ticket held by removee or deportee towards the cost of removal or deportation
- 262 - Recovery of costs from certain persons.

Other sections under the Migration Act that are less commonly used in removal operations include:

- 223 - Secretary or ABF Commissioner may give direction about valuables of detained non-citizens
- 224 - Dealing with seized valuables
- 263 - Secretary or ABF Commissioner able to issue notice of debt
- 264 - Garnishee notice
- 266 - Future debts
- 267 - Secretary or ABF Commissioner may freeze amounts to secure future debts.

For further information on powers under the Migration Act, refer to [LEGEND](#).

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3.5. Delegations and Authorisations

Removal Officers must ensure that they hold the required delegation or authorisation to exercise certain powers or carry out certain functions. The 'Delegations' tile in [LEGEND](#) contains current instruments of delegation and authorisation for Removal Officers.

Removal Officers must understand the legal and policy requirements for the exercise of the power or function (for example, the exercise of the power is within their job role and they have completed all pre-requisite training). Removal Officers should consult the Policy and Procedure Control Register ([PPCR](#)) for relevant policy documents.

If there is an identified gap in delegations or authorisations, contact the Legislation Governance Section by emailing [s.22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au) to seek further advice and assistance.

For further information on delegations and authorisations, refer to the ABF tab on [LEGEND](#) or the [Delegations](#) intranet webpage.

3.5.1. Operational delegations, authorisations and appointments framework

The Delegated Powers Framework includes the following documents:

- The [Delegated Powers Framework – PS \(SM-5404\)](#) on the PPCR outlines how the Department manages delegations, authorisations and appointments
- The [Delegated Powers Framework – PI \(SM-5425\)](#) on the PPCR provides guidance to Officers, Stewards and Policy Owners:
 - o On their respective roles when developing and maintaining legally effective delegations, authorisations and appointments
 - o To promote compliance with relevant legislation, legal principle, policy and governance arrangements relating to delegations, authorisations and other PIs when exercising statutory powers.

3.5.2. Removal Delegations and Authorisations

The below delegations and authorisations are general for all ABF Officers and for a range of functions which may or may not be removal related:

- [ABF \(M\) No.1 of 2018 \(amended by Australian Border Force \(Minister\) Delegations and Authorisations Amendment Instrument 2024 \(ADMIN 24/053\)\)](#) from 21 May 2024
- [ABF \(S\) No.1 of 2018 \(amended by Secretary – Delegations and Authorisations Amendment Instrument \(Australian Border Force\) 2019\)](#) commenced 16 June 2019
- [AUTHORISATION TO DISCLOSE IMMIGRATION AND BORDER PROTECTION INFORMATION 26 Oct 2020 - PRJ2009-001](#)
- [Instrument DEL 17-082 \(Secretary Delegation ss44, 45 and 53 ABF Act\)](#)
- [Instrument DEL 17/086](#)
- [Migration \(Removal-related Matters\) Delegation 2025 \(ADMIN 25/051\)](#).

The below authorisations are specific to Removal Officers:

- [Removals Authorisation - NZ - Part 6 ABF Act - 3FEB2021](#)
- [Removals Authorisation - UK - Part 6 ABF Act - 3FEB2021](#).

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3.5.3. Removal delegations under policy

3.5.3.1. Removal Availability Assessment (RAA) sign-off

Approval of the RAA (MCP10) is delegated under policy. Removal Officers draft the RAA in the Compliance, Case Management and Detention (CCMD) portal and submit it to the relevant Removal Manager who reviews the RAA and related evidence before submitting it to the delegated Approving Officer for sign-off. For further information on processing the RAA, refer to the [Removal from Australia – Guides – SM \(BC-7205\)](#).

3.5.3.2. MCP 12

Removal Officers may only issue a Notice of Intention to Remove (NOIR) form to a removee with less than 48 hours' notice in exceptional circumstances. For involuntary removal (where a removee has not requested removal in writing), a waiver will only be supported in cases where there is a significant and real risk of harm to the removee or others, risk of direct external intervention to disrupt removal, and these risks cannot be managed should the removee be provided more than 48 hours' notice. Removal Officers must request a waiver using the waiver of 48 hours' notice of removal (MCP12) in the CCMD portal. Only the relevant Chief Superintendent or Commander can approve the MCP12.

For voluntary removal under subsection 198(1), Removal Officers do not need to complete the waiver of 48 hours' notice of removal (MCP12). Instead, Removal Officers must record approval of the 48 hour waiver by the relevant Inspector (EL1) in the RAA (MCP10).

For further information, refer to the [Removal from Australia – Planning and Logistics – SOP \(BC-7204\)](#) and [Removal from Australia – Guides – SM \(BC-7205\)](#).

3.5.3.3. Authorising and recording post removal support (PRS)

Under policy, PRS for travel expenses where the Department directly pays for the cost of the trip (for example, flights, accommodation, taxi or bus fares), can only be approved by Executive Officers (EL1 or above) with the subsection 23(3) *Public Governance, Performance and Accountability Act 2013* (PGPAA subsection 23(3)) travel delegation up to their delegated limit. Refer to Part 2, instructions – international travel spending proposal delegates in the [Accountable Authority Instructions – PS \(FM-4808\)](#).

Other non-travel specific components of PRS (for example, luggage or clothing) can be approved by any PGPAA subsection 23(3) Goods and Services delegate up to their delegated limit, however for consistency, and to minimise approvals from multiple delegates for one PRS proposal, all PRS approvals should be completed by the Executive Officer (EL1 or above) who approves the removee's travel arrangements.

3.6. Removals training and operations allowance

3.6.1. Roles and responsibilities

The Removals job role covers a range of duties and activities for the safe and lawful removal of UNC's from Australia. For a detailed summary of the typical duties, capabilities and other requirements of a Removals Officer, refer to the [Removals Job Role Profile](#) (ADD2024/3632113).

3.6.2. The ABF training continuum

For further information on the current ABF training continuum, approved removals training modules or Removal Officer training pathways, contact the ABF College Coordination Unit, by emailing [s.22\(1\)@abf.gov.au](mailto:s.22(1)@abf.gov.au).

3.6.3. Operational Readiness Assessment (ORA)

In order to be operationally ready and to hold a Border Force Officer (BFO) status, Removal Officers should

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- Complete the Basic BFO Medical Assessment with a suitably qualified medical practitioner, contracted by the Department
- Receive a certificate from the medical practitioner that they:
 - o Have the minimum level of health required to safely carry out the duties of a BFO
 - o Can undertake the Basic Fitness Assessment (BFA)
 - o Have completed the ORA.

For further information on ABF fitness requirements, refer to the [ABF Fitness Requirements – PS \(HR-5323\)](#).

3.6.4. Training requirements

The two courses listed below are recommended for all Removal Officers:

- Status Resolution Essentials (COURSE ILT-ROL-SRHD-PI-SREBLK1)
- Determining Immigration Status (COURSE ILT-PI-ROLE-DIS).

For further information, search the Learning Management System (LMS) course codes in [OurPeople](#).

3.6.5. Online learning

Removal Officers will be allocated a number of mandatory e-learning modules to maintain their BFO status. There are also optional e-learning modules available to Removal Officers, including:

- Child Safeguarding Essentials (ONLINE-PI-APS-CSE)
- Child Safeguarding Role Specific e-learning (EW-APS-WCRR)
- Freedom of Information (ONLINE-MNGR-MGTES0-FOI1 and ONLINE-MNGR-MGTES0-FOI2).

For further information, refer to the Learning Management System (LMS) training catalogue in [OurPeople](#).

3.6.6. Removal operations allowance

Under the *Enterprise Agreement 2024-27*, the Secretary of the Department approved a Field Operations and Removals allowance. This annual allowance is paid fortnightly to approved Removal Officers working in Field and Removal Operations. For further information, refer to:

- Section 3: Allowances of the [Enterprise Agreement 2024-27](#)
- Draft [Allowances Policy Statement](#) (ADD2024/2953435)
- Draft [Allowances Procedural Instruction](#) (ADD2024/2953444).

3.6.7. Detain in controlled environment

The [Field and Removals Foundation Course](#) qualifies Removal Officers to detain under section 189 or section 192 of the Migration Act in controlled environments. For the purpose of this course, a 'controlled environment' specifically refers to:

- Correctional facilities (prison/watch house)
- ABF or departmental interview rooms (including those located in an immigration detention centre)
- Courts of Law - holding areas or bail reception with holding areas (excludes any public areas of courts of law)
- State or Territory police stations

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- State or Territory probation and parole offices.

For further information on detaining in a controlled environment, refer to the [Removal from Australia – Planning and Logistics – SOP \(BC-7204\)](#) and [Field Operations – PI \(BE-6712\)](#).

3.7. State of mind

For a person to be removed from Australia under section 198 of the Migration Act, the Removal Officer must have 'knowledge' that the person is an UNC. To ensure that a decision is well-formed, the Removal Officer must understand what information is required to move from a reasonable suspicion that the person is an UNC, as is required to lawfully detain the UNC under section 189 of the Migration Act, to having 'knowledge' that the person is an UNC and liable for removal from Australia.

Knowledge is a state of mind based on sufficient objective evidence that points, without doubt, to a fact. To establish knowledge that a person is an UNC, officers must have proof and be able to answer the following questions:

- Is the person a non-citizen?
- Does the person currently hold a visa that is in effect?

Only when an officer can definitively answer 'yes' to the first question and 'no' to the second, can the officer know that the person is an UNC. If, at any point, an officer determines that the person is an Australian citizen or that they are a lawful non-citizen, the person cannot be removed under section 198 and, if the person is a detainee, must be released from immigration detention immediately.

For further information on establishing knowledge a person is an UNC for the purpose of removal, refer to the [Removal from Australia – Establishing Liability and Availability – SOP \(BC-7203\)](#).

3.8. Key service delivery principles

3.8.1. Early engagement and emphasis on timely voluntary return or removal

Removal Officers must work collaboratively with status resolution partners to achieve timely and removee-focused solutions. The Status Resolution System Control Framework emphasises engagement with the person to ensure they are fully aware of the advantages of a voluntary return or removal.

3.8.1.1. Voluntary return

Removal Officers should be aware of the suite of status resolution tools available to assist non-citizens who choose to return voluntarily (as lawful non-citizens from the community). SROs are able to engage departmental funded support services to assist non-citizens engage with resolution of their immigration status. These support services include:

- Status Resolution Support Services (SRSS)
- Return and Reintegration Assistance Program (RRAP)
- Immigration Advice and Application Assistance Scheme (IAAAS).

For further information on departmental support for voluntary return and assisted return programs, refer to the [Status Resolution Officer – PI \(VM-6363\)](#) and [Return and Reintegration Assistance Program – PI \(BC-827\)](#).

For removal, early engagement and a coordinated communication strategy with consistent, open and honest communication is essential when dealing with stakeholders and removees. In some cases, it may be

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appropriate to engage with a removee before they are taken into immigration detention. Where possible, Removal Officers will:

- Give consideration to community based options (including whether to request that the Minister make a residence determination, grant a bridging visa on departure grounds or grant a removal pending bridging visa)
- Work to facilitate the voluntary removal of individuals by highlighting the advantages of this option, for example:
 - o Faster removal
 - o Unescorted travel (where assessed as not being dangerous)
 - o Lower debt to the commonwealth (when not escorted)
 - o Better immigration compliance record if they want to lodge a visa application in the future.

For further information on notifying stakeholders of a removal, refer to the [Removal from Australia – Planning and Logistics – SOP \(BC-7204\)](#).

3.8.2. Use of interpreters

Removal Officers must use an interpreter for all interviews where a person asks for one, or it becomes apparent that the person has difficulty understanding and/or speaking English. A removal interview may include matters such as removal options, completing forms, routine engagements or handing down a decision. Using an independent and accredited interpreter will ensure the person has the capacity and ability to understand the questions being asked by the officer.

A departmental officer with relevant language skills is not considered to be an independent interpreter. Removal Officers should not use other unauthorised persons, friends or family to communicate complex, official and/or confidential information. Accredited and independent interpreters are usually sourced from the Translating and Interpreting Service (TIS National), who offer a range of interpreting services.

Removals Officers need to email TIS National at ^{s. 22(1)(a)(ii)} [@homeaffairs.gov.au](mailto:homeaffairs.gov.au) to be added as a booking agent under the regional state's client code. This is required to use the TIS online pre-booking portal. Removal Officers seeking interpreting services through the Automatic Translating and Interpreting Services (ATIS) must provide the ATIS account and access numbers for their regional state. Please consult your supervisor to receive this information.

When interacting with detainees from non-English speaking backgrounds, Removal Officers must note whether an interpreter is offered and/or used. If this information is not recorded on a relevant form, Removal Officers must record the details (including the interpreter's name and TIS number) on authorised departmental record keeping systems and in their official departmental notebook.

For further information on TIS National, refer to the [Detention Services Manual – Communication and Engagement – Interpreting and Translating Services – PI \(DM-600\)](#), or the [Translating and Interpreting Service](#) page on the Department's intranet.

3.8.3. Detention Client Interview Part B

The purpose of the [Detention Client Interview – Part B](#) (ADD2018/2163180) is to assess the UNC's circumstances to assist with their removal planning. Removal Officers should undertake the initial stages of a case appraisal using information available in departmental systems, including previous interview records, completed forms and applications. For further information, refer to the [Removal from Australia – Planning and Logistics – SOP \(BC-7204\)](#).

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3.8.4. Fair and reasonable treatment to support a dignified return

Removal Officers should ensure all detainees are dealt with in a fair and reasonable manner and ensure that those on a removal pathway are treated:

- With respect and dignity, having regard to individual identity
- Fairly and with freedom from arbitrary decision making processes.

When planning a removal, Removal Officers will consider, as early as possible, all of the circumstances pertaining to a removee. This includes:

- Guardianship
- Family composition
- Clinically indicated health issue(s)
- Providing the removee with as much notice of their removal from Australia as possible taking into account their individual circumstances
- Impediments to removal (for example, whether they hold a valid travel document).

Removal plans are tailored to address individual needs and consider post- removal requirements. Detainees on a removal pathway are kept informed of the removal process as much as possible. As required, they can access relevant services and communication facilities (phone and email). For further information, refer to the [Removal from Australia – Planning and Logistics – SOP \(BC-7204\)](#).

Consideration should be given to the management of vulnerable persons, their carers or family members who may be present during a field operation. For the definition of vulnerable persons, refer to the [Vulnerable Persons – SM \(SM-5337\)](#).

3.9. Types of removal

There are four different types of removal.

3.9.1. Voluntary unescorted

UNCs who have requested in writing to be removed from Australia (request for removal) for the purposes of subsection 198(1) the Migration Act, who are considered low risk under the Detention Service Provider Assessment (DSPA) and do not require a security escort under the ATSR and/or medical, liaison or welfare escorts.

3.9.2. Involuntary unescorted

Removal of UNCs under section 198 of the Migration Act who have not requested in writing to be removed from Australia, who are considered low risk under the DSPA and do not require a security escort under the ATSR and/or medical, liaison or welfare escorts.

3.9.3. Voluntary escorted

UNCs who have requested in writing to be removed from Australia (request for removal) for the purpose of subsection 198(1) of the Migration Act and who require a security escort under the ATSR and/or require medical, liaison or welfare escorts.

For information on escorted removals, refer to the [Removal from Australia – Planning and Logistics – SOP \(BC-7204\)](#).

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3.9.4. Involuntary escorted

Removal of UNCs under section 198 of the Migration Act who have not requested in writing to be removed from Australia and who require a security escort under the ATSR and/or require medical, liaison or welfare escorts.

3.10. Removee groups

For further information on who is liable and available for removal, refer to the [Removal from Australia – Establishing Liability and Availability – SOP \(BC-7203\)](#). Removees who are assessed as being liable and available for removal will fall into one of the groups listed below.

3.10.1. Onshore compliance removals

Onshore compliance removees are the most common removal cohort and comprise all removees other than those designated UMA or IFF.

3.10.2. Unauthorised maritime arrival

Section 5AA of the Migration Act defines a person as an UMA, if under:

Subsection 5AA(1):

- the person entered Australia by sea:
- at an excised offshore place at any time after the excision time for that place; or
- at any other place at any time on or after the commencement of this section; and
- the person became and unlawful non-citizen because of that entry; and
- the person is not an excluded maritime arrival.

Subsection 5AA(1A):

- the person is born in the migration zone; and
- a parent of the person is, at the time of the person's birth, an unauthorised maritime arrival because of subsection (1) (no matter where that parent is at the time of the birth); and
- the person is not an Australian citizen at the time of birth.

Subsection 5AA(1AA):

- the person is born in a regional processing country; and
- a parent of the person is, at the time of the person's birth, an unauthorised maritime arrival because of subsection (1) (no matter where that parent is at the time of the birth); and
- the person is not an Australian citizen at the time of his or her birth.

On 30 November 2022, the then Minister for Home Affairs exercised their power under section 198AE to make a '[blanket determination](#)' that section 198AD does not apply if an UMA meets all four criteria in the Minister's Determination. Refer to the [Migration Act - Unauthorised Maritime Arrival - Determination 2022](#).

Under subsection 198AD(2) of the Migration Act, an officer must, as soon as reasonably practicable, take an UMA to whom section 198AD applies, from Australia to a regional processing country (RPC). Section 198AD of the Migration Act is subject to section 198AE of the Migration Act, amongst other provisions, which

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provides that the Minister may, in writing, determine that section 198AD of the Migration Act does not apply to an UMA, if the Minister thinks it is in the public interest to do so.

A Removal Officer should draft a submission requesting the Minister to exercise his or her power under section 198AE of the Migration Act to make the determination that section 198AD of the Migration Act does not apply to a particular UMA.

For further information on removal of UMAs, including guidance on preparing section 198AE submissions, refer to the [Removal from Australia – Guides – SM \(BC-7205\)](#).

3.10.3. Illegal foreign fishers

The non-legislative term Illegal Foreign Fisher (IFF) is used to describe a non-citizen who is suspected of committing an offence against the *Fisheries Management Act 1991*, the *Torres Strait Fisheries Act 1984* or the *Environment Protection and Biodiversity Conservation Act 1999*. Although a small removal cohort, different legislative provisions and policies apply compared to UMAs. In most cases, IFFs arrive in Australia without travel documents and as holders of enforcement visas (granted by operation of law) after apprehension at sea for suspected breaches of fisheries or environment legislation (refer to sections 164B and 164BA of the Migration Act).

On arrival at port, IFFs are detained and placed under fisheries detention (or potentially environment detention) by the ABF on behalf of the Australian Fisheries Management Authority (AFMA). IFFs cannot be held in fisheries detention and immigration detention at the same time. IFFs are not subject to immigration detention until they become UNCs.

Once the non-citizen's (IFF's) enforcement visa ceases, the IFF becomes an UNC subject to immigration detention and removal.

For further procedures on removal of IFFs, refer to the [Removal from Australia – Guides – SM \(BC-7205\)](#), [Detention Services Manual – Illegal Foreign Fishers – Illegal Foreign Fishers – PI \(DM-590\)](#), and [Detention Services Manual – Illegal Foreign Fishers – Enforcement visa – PI \(BE-628\)](#).

3.10.4. Accompanying family members

The spouse or de-facto partner and/or dependants of a removee/deportee may be removed from Australia in accordance with sections 199 and 205 of the Migration Act.

3.10.5. Deportee

For further information on non-citizens deported under Division 9 of Part 2 (sections 201 to 206) of the Migration Act, refer to [Section 501: The Character test, visa refusal and visa cancellation – PI \(VM-1001\)](#).

3.11. Removal from different environments

Removal Officers use commercial and chartered airlines for removals from various locations including:

- IDFs
- Correctional facilities (prison to plane)
- Community accommodation made under a (section 197AB) residence determination
- UNCs in the community.

For further information on planning removal from different environments, refer to the [Removal from Australia – Planning and Logistics – SOP \(BC-7204\)](#).

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3.12. Streaming of detainees

Detainees will be placed in a rapid removal or Status Resolution stream. For further information on streaming detainees, refer to the [Removal from Australia - Establishing Liability and Availability – SOP \(BC-7203\)](#) and the [Status Resolution Officer – PI \(VM-6363\)](#).

3.13. Recordkeeping and administrative requirements

The Department is required to maintain accurate, up to date and detailed records about the circumstances surrounding all removals and deportations from Australia. On occasion, these records are required to be produced as evidence in courts or to other bodies to demonstrate that the Department complied with its obligations under legislation. For example, that it attempted to remove an UNC 'as soon as reasonably practicable', or to demonstrate that the UNC was liable and available for removal or deportation under the Migration Act.

All reports, forms, events, incidents, case notes and discussion summaries relating to an UNC's removal or deportation must be promptly recorded in Content Manager (TRIM) and linked to the CCMD portal where appropriate. For further guidance on best practice for recordkeeping, refer to the [Records Management – PS \(TI-1094\)](#).

The [Records Management – PS \(TI-1094\)](#) sets out the management of records throughout the information lifespan (from create and capture, to maintain and protect, to disposal and destruction) that all workers in the Department and the ABF must adhere to.

In line with the Department's [Records Management – PS \(TI-1094\)](#), all records created or used by Removal Officers must be recorded in TRIM.

For more information on record keeping responsibilities, contact the Records team by emailing

s. 22(1)(a) [@homeaffairs.gov.au](mailto:records@homeaffairs.gov.au).

3.13.1. ABF official notebook

ABF official notebooks must be carried and used by all ABF officers undertaking operational activities to record pertinent information during the execution of their duties.

Removal Officers are issued with, and required to maintain, an ABF official notebook in accordance with training and relevant instructions. ABF official notebooks are not intended to replace existing ABF processes such as interview templates, removal related forms or recordkeeping in departmental systems. Notebooks are to be used to record events contemporaneously whilst undertaking any operational removal activity. As an officer's notes may be the primary reference to an event, original notes must be of a standard capable of withstanding the scrutiny of the courts or other bodies.

Removal Officers must keep clear, concise, complete and accurate notes to assist them to account for their actions. This will help clarify the circumstances in which, and the reasoning for, any actions taken while undertaking operational removal activity. Any issue, incident or event of a serious, contentious or significant nature must be recorded, for example:

- Aggressive behaviour by a removee towards an ABF officer, escort or member of the public
- Any use of force witnessed
- Complaints or incidents that may lead to a complaint
- Critical decisions and justification (i.e. why certain actions were taken or not taken)
- Wherever an officer senses an event should be remembered, they should record the particulars in their ABF official notebook.

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ABF official notebooks are an accountable Commonwealth record and are open to scrutiny during a quality assurance process, Ombudsman investigation, judicial hearing, official inquiry, or as part of a complaints process.

Removal Officers must complete the [Compile and Use of Official Notes](#) (BO-ALL-COMAUO) module as part of the BFO Foundation Development training, prior to receiving their ABF official notebook. ABF official notebooks can be ordered from the Department's contracted records management provider through TRIM. Refer to [TRIM Help Card – Request for Registers, Logbooks, Notebooks or Official Diaries](#).

Detailed information on ABF official notebooks is located in [Official Diaries and Notebooks – PI \(BE-2978\)](#).

3.13.2. Compliance, Case Management and Detention portal (CCMD)

Removal Officers must record key removal decision points, including the RAA (MCP10) and Reduced Notice for Involuntary removal (MCP12), in the CCMD portal. For guidance on recording removals accurately and consistently on the CCMD portal, refer to the [Removal from Australia – Planning and Logistics – SOP \(BC-7204\)](#).

For CCMD portal user guides and other supporting materials, refer below or to the *Returns and Removals* page on the [Case Management Systems Training and Support](#) SharePoint site:

- [CCMD - Client Interactions and Appointments Guide \(NZYQ\)](#)
- [CCMD - Returns and Removals Service - Functional Guide](#)
- [CCMD - Group DAA Form\(s\) Task - Functional Guide](#)
- [CCMD - Group Removals Availability Assessment MCP10 \(RAA\) Task - Functional Guide](#)
- [CCMD - MCP12 - Reduced Notice for Involuntary Removal - Quick Reference Guide \(QRG\)](#)
- [CCMD - Removal of Interest Brief - Functional Guide](#).

3.13.3. Personal health information

A non-citizen's personal health information may be recorded directly on the CCMD portal, however it is recommended that Removal Officers only record that the health services provider completed a health discharge assessment.

If required, the Removal Officer may place health information on an appropriately classified TRIM file and attach it to the portal. For example, if the delegate requires the health discharge assessment to inform approval of an RAA. In all cases, the file must have the appropriate security classification.

Personal health information is considered sensitive information under the *Privacy Act 1988* (Privacy Act) and is required to be dealt with in a particular manner. For further information, refer to the [Removal from Australia – Planning and Logistics – SOP \(BC-7204\)](#), [Detention Health: Fitness to Travel Assessments – PI \(DM-5028\)](#), [Detention Health: Health Discharge Assessment – \(DM-5261\)](#) and [Detention Health: Privacy, Consent and Medical Records – PI \(DM-5925\)](#).

3.13.4. Travel and identity documents

It is important that Removal Officers keep copies of the person's travel and identity documents (whether current or expired) and scan the documents into TRIM. Removal Officers must secure and store original travel documents, including passports, in a safe at all times and must record the storage location on departmental systems. Removal Officers are also to note the transfer of these documents, whether to the person or another body, on departmental systems. Removal Officers are to reconcile travel documents held by removals no less than four times per annum, with expired or damaged documents identified and managed in line with case progression and issuing country specific requirements. For further information, refer to the [Removal from Australia – Planning and Logistics – SOP \(BC-7204\)](#).

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3.13.5. Recording cooperation/non-cooperation

Removal Officers must note and record the person's level of cooperation during the removal process. For example, whether they provided identifying information or completed applications for a travel document. The notes should be a statement of fact not based on opinions or assumptions, and recorded in the relevant form (for example, the Detention Client Interview Part B or Operational Departure Plan) and in the officer's official notebook.

Should an UNC refuse to sign a form/document, Removal Officers must note the detainee's refusal on the form/document or accompanying papers and ensure it is recorded in the CCMD portal. Removal Officers may also be required to communicate with persons authorised to act for, or on behalf of, a person in detention (including legal guardians), if the person has refused to sign forms and documents. For further information on removees with guardianship arrangements, refer to the [Removal from Australia – Planning and Logistics – SOP \(BC-7204\)](#).

3.14. Departmental systems

Removal Officers can access key information on non-citizens from a range of systems. They are also expected to ensure records are appropriately classified and stored in approved departmental information systems.

3.14.1. CCMD portal

The CCMD portal holds information about the management of non-citizens within the broader status resolution system, including information on cancellation, detention, case management and removals.

It includes client information, client services, decisions, activities, work plans, incidents, SitReps, including Child Safeguarding Inquiries, participation in activities, wellbeing, property and TRIM links and attachments.

3.14.2. Cancellations portal (CANX)

CANX is a streamlined processing system to facilitate visa cancellations in the Department. Integrated with the Client Search Portal, Travel and Immigration Processing System (TRIPS), Enterprise Correspondence Service (ECS) and Work Management System (WMAN), it provides a simplified cancellation process with automated correspondence for notices and decisions.

3.14.3. Integrated Client Services Environment (ICSE)

ICSE holds information about onshore visa grants, onshore visa applications and temporary visa extensions. It also maintains information about assurances of support, nominations and sponsorship for skilled and family entry to Australia. Officers use ICSE to find out information about non-citizens and to record visa decisions. ICSE is used to record three main types of information:

- Client information: This is person-specific information about non-citizens. Examples include birth details, names, preferred languages, country of birth, family links and occupation
- Visa information: Includes what visa the person holds or previously held, visa validity dates and visa conditions, visa cancellation and refusal information and information on merits and JR
- Permission Request information: This is information specifically connected with the administration of a specific service. Examples include details of the case officer for a visa application, health examination results and file reference numbers.

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3.14.4. Content Manager (TRIM)

TRIM is the Department's mandated Electronic Document and Records Management System. TRIM contains non-citizen documents, including interview notes, visa applications and emails, etc. It also holds resource material that may be of use to officers, including templates, instructions and guides.

3.14.5. Client Search Portal (CSP)

CSP is a system that provides access to comprehensive summary information on a non-citizen. It is a single point of entry to perform client searches and to view client information. The CSP provides a consistent, comprehensive and up-to-date summary view of a non-citizen's core details, program interactions and dealings with the Department, known as the 'single client view'.

3.14.6. Central Movement Alert List (CMAL)

CMAL is the system interface of the Movement Alert List (MAL), which stores, maintains and provides access to a central repository of identities and documents of concern. CMAL determines and identifies potential matches of concern regarding non-citizens that may affect visa considerations and their lawful right to remain in Australia.

3.14.7. Integrated Management Intelligence System (IMtel)

IMtel is the Department's integrity/intelligence knowledge database and is a repository of integrity information, which supports knowledge sharing across the Department.

3.14.8. National Intelligence System (NIS)

NIS is the primary corporate intelligence reporting system for the Department and ABF. It is used across operational areas for the input of information reports that have an intelligence value to the Department or its partner agencies. NIS is a critical system supporting intelligence both tactically and operationally.

3.14.9. Identity Services Repository (ISR)

ISR is the Department's repository for a person's identity information. It contains facial images, scanned proof of identity documents and biographic data recorded throughout the person's dealings with the Department over time. The ISR can make the sum total of identity information about a person easily accessible to employees who have access and a need to know.

3.14.10. Passenger Cards

Passenger Cards is a system containing images of incoming and outgoing passenger cards. It holds key information relating to emergency contact details of the passenger.

3.14.11. Travel and Immigration Processing System (TRIPS)

TRIPS is a collection of mainframe computer systems that support border security and border processing.

3.14.12. Security Referral System (SRS)

SRS enables the electronic transfer of security referrals and information requests between the Department, the external agency and the Department of Foreign Affairs and Trade.

3.14.13. Enterprise Correspondence Service (ECS)

ECS provides correspondence resources, including ECS letter templates, which can pre-populate from the relevant processing system, for activities such as decision notification.

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3.14.14. Operational Planning Tasking and Incident Coordination System (OPTICS)

OPTICS is used to record and report incidents and support activity planning and task management activities associated with incident response and ABF operations. The incident management platform replaced three previously existing systems:

- Border Incident Management System (BIMS)
- Planning and Operational Management System (POMS)
- Detection Advice Portal (DAP).

3.15. Memoranda agreements relevant to removals

A Memorandum of Understanding (MOU) is an administrative tool that formalises a collaborative working arrangement between two or more participants. Where Australia has entered into a Memorandum of Agreement (MoA) or a MOU with another nation, Removal Officers are required to follow agreed guidelines in relation to removal from Australia. This may involve adhering to notification, form template and information sharing requirements. An MOU will not in its own right allow for the lawful disclosure of particular kinds of information. Rather, the Department can only lawfully disclose information if the relevant legislation (for example, the ABF Act, the Migration Act, the Privacy Act etc) allows.

There are currently MOUs in place with several countries which are relevant to removal planning and operations, including:

- the United Kingdom (including Northern Ireland) – *MOU between DIBP and UK Home Office regarding sharing of information* (PCD2017/2632)
- New Zealand – *MOU with Government of New Zealand on the advance notice of removals, deportations and the reciprocal exchange of personal, criminal history and corrections information*
- Vietnam – *MOU between the Government of Australia and the Government of the Socialist Republic of Vietnam concerning the re-admittance of Vietnamese citizens who are deported due to breaches of Australian Laws* (ADD2019/568963), and *MOU between the Ministry of Public Security of the Socialist Republic of Vietnam and the Department of Immigration and Border Protection of the Commonwealth of Australia on procedures of re-admittance of Vietnamese nationals* (ADD2019/568975)
- A number of Pacific Island countries – *MOU with Pacific Immigration Development Community concerning cooperation and capacity building and information sharing.*

For further information on these MOUs or to access the dossier templates, refer to the [Removal from Australia – Planning and Logistics – SOP \(BC-7204\)](#).

A [MOU register](#) (ADD2020/4947472) is also available to access some of the existing MOUs. For further information regarding MOUs or MOAs, contact the MOU Policy team by emailing [s.22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au).

3.16. Quality Assurance (QA)

The ABF removals program is subject to scrutiny from a range of external bodies, including the:

- Commonwealth Ombudsman Office
- Australian Human Rights Commission
- Australian Red Cross

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- United Nations High Commissioner for Refugees (UNHCR)
- Other advocacy groups.

To ensure that Removal Officers are following the relevant policy and procedures, removal operations in all regions are encouraged to apply QA processes to a portion of all completed cases. Targeting and analysing both high risk/ sensitive and routine cases can identify gaps in training, policy documents, planning and execution of removal operations, and decision making processes. Information can be shared between regions at the Communities of Practice for continual improvement at a national level.

3.17. Handling feedback from removees

The Department welcomes compliments, complaints and suggestions from clients (including removees). Feedback can assist to identify business improvement opportunities and further enhance the quality of services. The Global Feedback Unit (GFU) is the central point for receiving, tracking and facilitating a response to feedback. All compliments, complaints and suggestions from removees must be submitted via the [Compliments, complaints and suggestions](#) web-form on the departmental website.

3.18. Freedom of information (FOI)

Officers are required to be familiar with, and have a broad understanding of, the principles and provisions outlined in the *Freedom of Information Act 1982* (the FOI Act). For further information, refer to the [Freedom of Information – PS \(SM-3357\)](#), or contact the FOI team by emailing foi@homeaffairs.gov.au.

3.19. Information disclosure to facilitate removal

In a removal context, disclosure of information is dependent on an UNC being on a pathway to removal under section 198 of the Migration Act.

As part of the role of a Removal Officer, there will be situations where it is necessary to disclose information about a removee in order to facilitate the removal. Commonly, Removal Officers consider disclosure of information for the purposes of obtaining a travel document, seeking uplift approval from airlines and confirming readmission approval with foreign countries (including in accordance with information sharing MOUs where one is in place). Where *sur place* claims arise from information disclosure, contact the Protection Caseload Resolution Section by emailing [S. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](#).

Consideration of the different types of information that can be disclosed is subject to relevant provisions in the:

- Privacy Act (particularly the privacy obligations set out in the Australian Privacy Principles (APPs))
- ABF Act (particularly the secrecy and disclosure provisions in Part 6)
- Migration Act.

3.19.1. Privacy, secrecy and disclosure

Officers must disclose in accordance with relevant legislation.

3.19.1.1. The Privacy Act

The Department's handling of personal information is regulated by the APPs in Schedule 1 of the Privacy Act:

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- Under APP 6, the Department can only use or disclose personal information for a purpose for which it was collected (known as the primary purpose), or for a secondary purpose if an exception in APP 6.2 applies (or if consent is provided for the secondary use or disclosure).
- Under APP 6.2, there are a number of exceptions that permit the disclosure of personal information. These exceptions are:
 - o If the purpose for the disclosure was related to the purpose of collection and the individual would reasonably expect that their personal information would be used or disclosed in this way (APP 6.2(a)(ii)). Refer to the [Privacy notice 1442i](#) in [LEGEND](#)
 - o Where the use or disclosure is required or authorised by law or a court/tribunal order (APP 6.2(b))
 - o Where the Department reasonably believes that the disclosure of the information is reasonably necessary for enforcement-related activities conducted by, or on behalf of, an enforcement body (APP 6.2(e))
 - o For the purpose of APP 6.2(e), enforcement related activities include removal of UNCs from Australia.

Where making a disclosure for an enforcement related purpose, APP 6.5 requires the disclosing officer to make a record of the disclosure which includes:

- The date of the disclosure
- Details of who the information was disclosed to
- What specific information was disclosed
- The reasons the disclosing officer considered it met the exceptions found in APP 6.2(e).

There may be circumstances in which a Removal Officer is required to provide personal information to overseas entities. For the purposes of the Privacy Act, this is referred to as 'cross-border disclosure'. When considering a cross-border disclosure, the Removal Officer must not disclose information to an overseas recipient unless an exception in APP 8.2 is satisfied (in addition to satisfying APP 6). The exception set out in APP 8.2(c) allows disclosure when the information is required or authorised by or under an Australian law.

The Department is responsible for complying with all the APPs, including APP 10 and APP 13.

APP 10 provides that the Department must take reasonable steps to ensure the personal information it collects is accurate, up to date, complete and relevant. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, prior to the use or disclosure of information held on the record. In a removal context, this could apply to the need to be satisfied of the quality and accuracy of information relating to a removee or removal operation, and actively take steps to ensure the quality and accuracy of that information before its use and disclosure.

APP 13 provides the Department's obligations in relation to correcting information held on departmental records. This requires the Department to make timely corrections to personal information when it becomes aware of incomplete or incorrect information, whether that be when requested by a removee or identified by Removal Officers. Examples include:

- The removee or another organisation has provided information and this has not yet been added to the record, or there are duplicate records for one individual, with some information held on one record and other information on the duplicate
- A removee record is updated with information that belongs to another individual. This can be as simple as a record being updated with another person's phone number or email address, but can result in unauthorised disclosures occurring

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- A removee has a representative, but over time appoints a new representative. If the previous representative's details are not updated, this can result in an unauthorised disclosure.

For guidance on the application of the ABF Act and the Privacy Act, refer to the [Privacy and Disclosure](#) page on the Department's intranet, or email [s.22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au) prior to collecting, handling or disclosing personal or sensitive information of individuals.

3.19.1.2. The ABF Act

The secrecy and disclosure provisions in Part 6 of the ABF Act set out the circumstances in which certain information, called Immigration and Border Protection (IBP) information, may be lawfully recorded and disclosed. These provisions apply to entrusted persons, which includes all Australian Public Service (APS) employees in the Department (including the ABF), as well as certain contractors and other workers who meet the definition of an IBP worker in section 4 of the ABF Act.

IBP information is defined in subsection 4(1) of the ABF Act to mean information obtained by someone in their capacity as an entrusted person, which, if disclosed, could reasonably be expected to:

- Prejudice the security, defence or international relations of Australia
- Prejudice the prevention, detection or investigation of, or the conduct of proceedings relating to, an offence or a contravention of a civil penalty provision
- Prejudice the protection of public health, or endanger the life or safety of an individual or group of individuals
- constitute an action by a person (other than the Commonwealth) for breach of a duty of confidence
- Cause competitive detriment to a person (for example, because the information is commercially sensitive)
- Prejudice the effective working of the Department or otherwise harm the public interest (if the Minister prescribes that kind of information by legislative instrument).

By virtue of subsection 4(5) and 4(6) of the ABF Act, the following types of information would also be IBP information under the ABF Act:

- Information that has a security classification taken to be at the Protected level and higher
- Information that has originated with, or been received from, an intelligence agency
- Information that was provided to the Commonwealth pursuant to a statutory obligation or otherwise by compulsion of law (this would include information provided to the Department under section 18 of the Migration Act).

Under subsection 42(1) of the ABF Act, it is an offence for an entrusted person (this includes all APS employees in the Department) to make a record of, or disclose information, that is IBP information, unless an exception applies.

Disclosure of IBP information is permitted under subsection 42(2) of the ABF Act if the disclosure is:

- Authorised by sections 43, 44, 45, 47, 48 or 49; or
- In the course of the person's employment or service as an entrusted person; or
- Required or authorised by or under a law of the Commonwealth, a State or a Territory; or
- Required by an order or direction of a court or tribunal.

If IBP Information is being disclosed under subsection 42(2)(a), (c), or (d) of the ABF Act, the disclosure of any personal information is also permitted under APP 6.2(b) as it is 'required or authorised by or under an Australian law or a court/tribunal order'.

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It is important to note that if the information that is being disclosed does not meet the definition of IBP information, the secrecy and disclosure provisions of Part 6 of the ABF Act do not apply. However, the disclosure must still comply with the APP 6 and APP 8 set out in the Privacy Act if any personal information is being disclosed, and the Migration Act if any identifying information is being disclosed.

For further information, refer to the [Secrecy and Disclosure](#) page on the Department's intranet.

3.19.1.3. The Migration Act

If 'identifying information' as defined in section 336A of the Migration Act is being disclosed, a permitted disclosure in subsection 336E(2) must exist to allow for the lawful disclosure of this information.

Subsection 336E(2) of the Migration Act may permit the disclosure of identifying information in a number of circumstances, including for the purpose of:

- Data matching in order to identify non-citizens that may be of either character or security concern (subparagraphs 336E(2)(a)(iii) and (iia))
- Data matching in order to inform the governments of foreign countries of the identity of noncitizens who are, or are to be, removed, taken or deported from Australia (subparagraph 336E(2)(a)(vi))
- Identifying noncitizens who have a criminal history or who are of character or security concern (paragraphs 336E(2)(ec) and (ed))
- The removal powers under section 198 of the Migration Act (subparagraph 336E(2)(ba)(i)).

For disclosure of 'identifying information' to foreign countries, the authorisation instrument [Migration \(Secretary\) \(Identification\) Authorisation 2017 \(DEL 17/086\)](#) authorises disclosure of identifying information under subsection 336F(1) of the Migration Act, by those officers (classes of person) whose duties include:

- Arranging removal from Australia, and
- Liaising with airlines, foreign governments and with Australian and foreign law enforcement, border control intelligence and security agencies.

This disclosure authorisation does not apply to Protection Visa (PV) applicants or UMAs claiming protection unless an application is refused and finally determined (visa applicant) or not found to be a person in respect of whom Australia owes protection.

Under instrument [DEL 17/086](#), officers whose duties include arranging the removal of non-citizens from Australia are authorised to disclose identifying information to the prescribed countries listed in Schedule 1 of the instrument. Refer to the instruments and delegations listed in [Attachment B section 1.1. Powers and Obligations](#).

If 'movement records' are being disclosed from the movement records database, subsection 488(2) of the Migration Act must allow for the lawful disclosure of this information.

There are similar provisions in section 43 of the *Australian Citizenship Act 2007* in relation to the disclosure of identifying information under that Act. For further information, refer to the [Identifying information – Access and disclosure – PI \(IIB-1537\)](#).

If a Removal Officer is unsure whether a disclosure of personal information will be lawful, contact the Privacy and Information Disclosure Section by emailing [s. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](#) for further advice.

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4. Accountabilities and Responsibilities

Role	Description
Removal Officer	Responsible for: - Identifying the need for additions or amendments to this PI and submitting the details to the Enforcement and Immigration Compliance Operational Policy Section - Ensuring draft versions of this PI are reviewed and solution focussed feedback is provided within the specified timeframes - Complying with the instructions outlined in this PI.
All Superintendents with Removals responsibilities (including, but not limited to Removal Operations, Regional Removals, Detention and Removals Capability, Enforcement and Immigration Compliance Management)	Responsible for: - Provision of advice on capability, operational and environmental changes to inform policy and procedures, including the Removals Communities of Practice - Provision of advice and relevant attendance of subject matter experts at stakeholder consultation workshops - Identifying additional stakeholders that should be consulted - Ensuring draft versions of this PI are reviewed and solution focussed feedback is provided within the specified timeframes - Ensuring all responsible Commanders and Chief Superintendents are informed of updates and changes to operational policy.
Removal Liaison Officer (RLO)	Responsible for: Accompanying an escort party and liaising with a range of internal and external stakeholders (including airline, airport and foreign government officials) during a complex or sensitive removal of an UNC.
Status Resolution Officer (SRO)	Responsible for: Delivering targeted services to people seeking to resolve their immigration status while in the community or held detention. SROs contribute to the integrity of Australia's migration program by facilitating immigration outcomes for non-citizens, in a timely and lawful manner, while managing risk to the community.
Superintendent: Enforcement and Immigration Compliance Operational Policy Section	Responsible for: - Directing regular evaluation of this document to ensure that it achieves the intended purpose - Determining whether the document requires editing or retirement - Monitoring change and amendments to legislation or other legal requirements, policy, business operations or risk profiles that may affect document content.

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Role	Description
Removals Operational Policy Team: Enforcement and Immigration Compliance Operational Policy Section (Document Drafter)	Responsible for: - Drafting documents in compliance with the Policy and Procedure Control Framework (PPCF) - Undertaking stakeholder consultation - Updating key requirements of the policy or procedure, when required.

5. Version Control

Version number	Date of issue	Author(s)	Brief description of change
1	24 July 2025	Enforcement and Immigration Compliance Operational Policy	New document developed using content taken from: - BE-5488 - Removal from Australia - BE-5490 - Commencing a Removal

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Attachment A – Definitions

Term	Acronym (if applicable)	Definition
Australian Border Force	ABF	Defined in section 4 of the ABF Act: <i>The Australian Border Force means that part of the Department known as the Australian Border Force.</i> The Australian Border Force, as an operationally independent body within the Department of Home Affairs, is Australia's frontline border law enforcement agency and Australia's customs service. The Australian Border Force delivers critical border protection and national security outcomes while facilitating the legitimate movement of people and goods across the border.
Authorised officers	AO	For the purposes of the Migration Act, an authorised officer is an officer who is authorised in writing by the Minister, the Secretary or the ABF Commissioner for the purposes of the relevant provision of the Migration Act.
Child of a person		Defined in section 5CA of the Migration Act, a child of a person is defined as: (1) <i>Without limiting who is a child of a person for the purposes of this Act, each of the following is the child of a person:</i> (a) <i>someone who is a child of the person within the meaning of the Family Law Act 1975 (other than someone who is an adopted child of the person within the meaning of that Act);</i> (b) <i>someone who is an adopted child of the person within the meaning of this Act.</i> (2) <i>The regulations may provide that, for the purposes of this Act, a person specified by the regulations is not a child of another person specified by the regulations in circumstances in which the person would, apart from this subsection, be the child of more than 2 persons for the purposes of this Act.</i> (3) <i>Subsection (2), and regulations made for the purposes of that subsection, have effect whether the person specified as not being a child of another person would, apart from that subsection and those regulations, be the child of the other person because of subsection (1) or otherwise.</i>
Content Manager	TRIM	TRIM is the Department's Electronic Document and Record Management System that provides the framework and functionality to capture, manage and share critical business information.

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Term	Acronym (if applicable)	Definition
		TRIM includes a classification scheme and retention and disposal authorities to assist with managing the lifecycle of departmental information.
De facto partner		Defined in section 5CB of the Migration Act, a person is the <i>de facto partner</i> of another person (whether of the same sex or a different sex) if, under subsection 5CB(2), the person is in a de facto relationship with the other person.
Deportee		Defined in subsection 5(1) of the Migration Act, a deportee is a <i>person in respect of whom a deportation order is in force</i> . A deportation order means an order for the deportation of a person made under, or continued in force by, section 200 of the Migration Act.
Detain		Defined in subsection 5(1) of the Migration Act, detain means: (a) <i>take into immigration detention; or</i> (b) <i>keep, or cause to be kept, in immigration detention; and includes taking such action and using such force as is reasonably necessary to do so.</i> Note: This definition extends to persons covered by residence determinations (see section 197AC of the Migration Act).
Detainee		Defined in subsection 5(1) of the Migration Act, a detainee means a <i>person detained</i> . Note: This definition extends to persons covered by residence determination (see section 197AC of the Migration Act).
Detention Client Interview	DCI	A set of interviews undertaken with detainees to assist officers to: • Determine if the initial streaming decision remains appropriate • gather the initial information that will assist in the completion of Removal Available Assessment • gather initial information that will assist in the completion of the Community Protection Assessment Tool.
Finally Determined		For the purpose of exercising removal powers under section 198, an application has been 'finally determined' in accordance with section 11A of the Migration Act, and

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Term	Acronym (if applicable)	Definition
		where removal is authorised by taking into account sections 197C and 197D of the Migration Act.
Illegal foreign fisher	IFF	The term IFF is not defined in the Migration Act. It is used to describe a non-citizen who is suspected of committing an offence against the following laws prescribed by regulation 5.18 of the Migration Regulations for the purposes of paragraph 262(1)(b) of the Migration Act: - Continental Shelf (Living Natural Resources) Act 1968 (Cth) - Fisheries Act 1952 (Cth) - Fisheries Management Act 1991 (Cth) - Torres Strait Fisheries Act 1984 (Cth) - Fisheries Act 1976 (Qld) - Fishing Industry Organisation and Marketing Act 1982 (Qld) - Fisheries Act 1905 (WA).
Immigration and Border Protection Information	IBP Information	Defined in subsection 4(1) of the ABF: (a) <i>information the disclosure of which would or could reasonably be expected to prejudice the security, defence or international relations of Australia;</i> (b) <i>information the disclosure of which would or could reasonably be expected to prejudice the prevention, detection or investigation of, or the conduct of proceedings relating to, an offence or a contravention of a civil penalty provision;</i> (c) <i>information the disclosure of which would or could reasonably be expected to prejudice the protection of public health, or endanger the life or safety of an individual or group of individuals;</i> (d) <i>information the disclosure of which would or could reasonably be expected to found an action by a person (other than the Commonwealth) for breach of a duty of confidence;</i> (e) <i>information the disclosure of which would or could reasonably be expected to cause competitive detriment to a person;</i> (f) <i>information of a kind prescribed in an instrument under subsection (7) (none currently prescribed).</i> (5) information that has a security classification or information that has originated with, or been received from, an intelligence agency is taken to be information, the disclosure of which would or could reasonably be expected to prejudice the security, defence or international relations of Australia.

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Term	Acronym (if applicable)	Definition
		(6) information that was provided to the Commonwealth pursuant to a statutory obligation or otherwise by compulsion of law is taken to be information, the disclosure of which would or could reasonably be expected to found an action by a person (other than the Commonwealth) for breach of a duty of confidence.
Immigration detention		Defined in section 5 of the Migration Act, immigration detention means: (a) <i>being in the company of, and restrained by:</i> (i) <i>an officer; or</i> (ii) <i>in relation to a particular detainee –another person directed by the Secretary or Australian Border Force Commissioner to accompany and restrain the detainee; or</i> (b) <i>being held by, or on behalf of, an officer:</i> (i) <i>in a detention centre established under the Migration Act; or</i> (ii) <i>in a prison or remand centre of the Commonwealth, a State or a Territory; or</i> (iii) <i>in a police station or watch house; or</i> (iv) <i>in relation to a non-citizen who is prevented, under section 249, from leaving a vessel – on that vessel; or</i> (v) <i>in another place approved by the Minister in writing</i> <i>but does not include being restrained as described in subsection 245F(8A), or being dealt with under paragraph 245F(9)(b) of the Migration Act.</i> Note 1: Subsection 198AD(11) provides that being dealt with under subsection 198AD(3) does not amount to immigration detention. Note 2: This definition extends to persons covered by residence determinations (see section 197AC).
LEGEND		The Department's online database of migration and citizenship legislation and policy that gives departmental staff access to migration and citizenship legislation, policy guidelines, delegations and other related information.
Mandatory Control Point	MCP	Part of the Status Resolution System Control Framework consisting of a number of identified decision points in the compliance pathway. The decision points represent a

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Term	Acronym (if applicable)	Definition
		significant level of risk to decision makers, non-citizens, detainees, the Department and other stakeholders. Removal Officers complete MCPs 10 and 12.
Memorandum of Understanding	MOU	An MOU is a legally nonbinding agreement between two or more parties to satisfy mutually agreed objectives.
Migration zone		As defined under section 5 of the Migration Act, the Migration Zone is <i>the area consisting of the States, the Territories, Australian resource installations and Australian sea installations and, to avoid doubt, includes:</i> (a) <i>land that is part of a State or Territory at mean low water; and</i> (b) <i>sea within the limits of both a State or a Territory and a port; and</i> (c) <i>piers, or similar structures, any part of which is connected to such land or to ground under such sea;</i> <i>but does not include sea within the limits of a State or a Territory but not in a port.</i>
Non-refoulement obligation		An obligation not to forcibly return, deport or expel a person to a place where the person will be at risk of specific types of harm. Australia has <i>non-refoulement</i> obligations as a result of being party to the 1951 Convention Relating to the Status of Refugees and its 1967 protocol (the Refugee Convention), International Covenant on Civil and Political Rights (ICCPR) and its second optional protocol, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).
Protection visa	PV	A visa for a non-citizen in Australia in respect to whom the Minister is satisfied Australia has protection obligations because the person is either: • A refugee as defined by the Migration Act, or • Meets the complementary protection criteria in the Migration Act. A PV can also be granted to a person who is a member of the same family unit (as defined by the Migration Act) of a person who is owed protection obligations. As per section 35 of the Migration Act, a PV can be either a Permanent Protection (subclass 866) visa, Temporary Protection (subclass 785) visa or a Safe Haven Enterprise (subclass 790) visa.

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Term	Acronym (if applicable)	Definition
Regional processing country	RPC	A country designated by the Minister under subsection 198AB(1) of the Migration Act as a regional processing country.
Removal availability assessment	RAA	The key tool in determining whether a person is liable and available for removal and other removal administrative requirements. The RAA prompts the assessing officer to consider both legislative and policy issues related to removal through a series of factual and procedural questions. The RAA is MCP10.
Removal Officer		A departmental officer who is responsible for planning and coordinating the removal of UNCs.
Removee		Defined in section 5 of the Migration Act, a removee is <i>an unlawful non-citizen removed, or to be removed, under Division 8 of Part 2 of the Migration Act</i> .
Sensitive information		As defined in subsection 6(1) of the Privacy Act, <i>sensitive information means:</i> (a) <i>information or an opinion about an individual's:</i> (i) <i>racial or ethnic origin; or</i> (ii) <i>political opinions; or</i> (iii) <i>membership of a political association; or</i> (iv) <i>religious beliefs or affiliations; or</i> (v) <i>philosophical beliefs; or</i> (vi) <i>membership of a professional or trade association; or</i> (vii) <i>membership of a trade union; or</i> (viii) <i>sexual orientation or practices; or</i> (ix) <i>criminal record;</i> <i>that is also personal information; or</i> (b) <i>health information about an individual; or</i> (c) <i>genetic information about an individual that is not otherwise health information; or</i> (d) <i>biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or</i> (e) <i>biometric templates.</i>
Spouse		Defined in section 5F of the Migration Act, a spouse is:

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Term	Acronym (if applicable)	Definition
		(1) <i>For the purposes of this Act, a person is the spouse of another person (whether of the same sex or a different sex) if, under subsection (2), the 2 persons are in a married relationship.</i> (2) <i>For the purposes of subsection (1), persons are in a married relationship if:</i> (a) <i>they are married to each other under a marriage that is valid for the purposes of this Act; and</i> (b) <i>they have a mutual commitment to a shared life as a married couple to the exclusion of all others; and</i> (c) <i>the relationship between them is genuine and continuing; and</i> (d) <i>they:</i> (i) <i>live together; or</i> (ii) <i>do not live separately and apart on a permanent basis.</i> (3) <i>The regulations may make provision in relation to the determination of whether one or more of the conditions in paragraphs (2)(a), (b), (c) and (d) exist. The regulations may make different provision in relation to the determination for different purposes whether one or more of those conditions exist.</i> Note: <i>Section 12 also affects the determination of whether the condition in paragraph (2)(a) of this section exists.</i>
Sur Place claims		A person who is not a refugee on departure from their country of nationality or former habitual residence, but becomes a refugee later, is called a refugee '<i>sur place</i>'. <i>Sur place</i> claims refer to claims that arise after the person has left their country of nationality or former habitual residence. These claims may arise due to events in the country of nationality or former habitual residence, e.g. a significant change in political circumstances, or because of his or her actions outside that country, for example, religious conversion while in Australia or taking part in activities that may lead to persecution for reasons of political opinion. In some cases, the very act of applying for a PV may give rise to a <i>sur place</i> claim. Article 1A of the Refugee Convention only requires that a refugee be outside their country of origin when claiming a well-founded fear of persecution. There is no requirement that a person left their country of origin with that well-founded fear. For example, a person may legitimately come

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Term	Acronym (if applicable)	Definition
		to Australia as a student or visitor and become a refugee after arrival because of events in their country of origin.
Unauthorised maritime arrival	UMA	Defined in section 5AA of the Migration Act, a UMA is a person who entered Australia by sea: • at an excised offshore place at any time after the excision time for that place; or • at any other place at any time on or after the 1 June 2013 commencement of the <i>Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Act 2013</i>; and • became an unlawful non-citizen because of that entry and is not an excluded maritime arrival. The term also includes a child born in Australia or in an RPC to a parent who is an UMA, unless the child is an Australian citizen at the time of birth. The term UMA replaced the term offshore entry person (OEP).
United Nations	UN	An intergovernmental organisation established by the <i>Charter of the United Nations</i> .
Voluntary escorted		Non-citizens who have requested in writing to be removed from Australia (request for removal) and who require a security escort under ATSR and/or require medical, liaison or welfare escorts.
Voluntary return		Non-citizens who have requested in writing to be removed from Australia (request for removal). For further distinction see Voluntary escorted and Voluntary unescorted.
Voluntary unescorted		Non-citizens who have requested in writing to be removed from Australia (request for removal) and who do not require any escorts.

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Attachment B – Assurance and Control Matrix

1.1 Powers and Obligations

Note: Staff exercising any powers, delegations or authorisations outlined in this PI (listed here) must check the latest delegation advice on the Intranet or the relevant instrument in LEGEND to ensure they currently hold the applicable power, delegation or authorisation.

All legislation can be found on the [Federal Register of Legislation](#).

Legislative Provision			Is this power delegated?	If delegated, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
Australian Border Force Act 2015	Part 6	Secrecy and disclosure provisions	Yes	ABF (S) No.1 of 2018.pdf (border.gov.au) (Delegation)
	Subsection 42(1)	It is an offence for an entrusted person (includes all APS employees in the Department) to make a record of, or disclose information that is IBP information, unless an exception applies	No	
	Subsection 42(2)	Exceptions that permit disclosure of IBP information	No	
	Section 43	The making of the records, or disclosure is for the purpose of the ABF Act or the <i>Law Enforcement Integrity Commissioner Act 2006</i>	No	
	Sections 44 and 45	Disclosure to certain bodies and persons And Disclosure in accordance with agreements	Yes	Authorisation to disclose Immigration and Border Protection information (Authorisation) ABF (S) No.1 of 2018 (Delegation)
	Sections 44 and 45	Disclosure of IBP information to the United Kingdom for Removals and Deportations	Yes	Authorisation to disclose Immigration and Border Protection information to give effect to Australia/UK memorandum of understanding regarding the sharing of information - removals and deportations (Authorisation)

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Legislative Provision			Is this power delegated?	If delegated, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
				ABF (S) No.1 of 2018 (Delegation)
	Sections 44 and 45	Disclosure of IBP information to New Zealand for Removals and Deportations	Yes	Authorisation to disclose Immigration and Border Protection information to give effect to Australia/New Zealand arrangement for removals and deportations (Authorisation) Instrument DEL 17-082 (Secretary Delegation ss44, 45 and 53 ABF Act) (Delegation)
	Section 47	Disclosure IBP information with consent	No	
	Section 48	Disclosure IBP information to reduce threat to life or health	No	
	Section 49	Disclosure of IBP information that is publicly available	No	
	Subsection 55(1)	All Immigration and Border Protection workers (IBP workers) who are not APS employees (such as contractors or consultants) to comply with any lawful and reasonable direction given by someone in the Department with authority to issue that direction	No	
Migration Act 1958	Section 14	UNCs	No	
	Section 189	Detention of UNCs	No	
	Section 197C	Relevance of Australia's <i>non-refoulement</i> obligations to removal of unlawful non-citizens under section 198	Yes	Home Affairs Legislation (Minister-Decision-making powers for Immigration and Settlement Services Group and Social Cohesion and Citizenship Group) Delegation

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Legislative Provision			Is this power delegated?	If delegated, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
				Authorisation 2021 (ADMIN 21/051) (as amended by Migration Amendment (Minister—Immigration Group Delegations and Authorisations) Instrument 2025 (ADMIN 24/195))
	Section 197D	Decision that protection finding would no longer be made	Yes	ADMIN 51/051 (as amended by ADMIN 24/195)
	Section 198	Removal from Australia of UNCs	No	
	Section 199	Dependants of removed non-citizens	No	
	Section 198AD	Taking unauthorised maritime arrivals to a regional processing country	No	n/a
	Section 198AE	Ministerial determination that section 198AD does not apply	No	n/a
	Section 200	Deportation of certain non-citizens	Yes	ABF (M) No.1 of 2018
	Section 205	Dependants of deportee	Yes	ABF (M) No.1 of 2018
	Section 210	Removed or deported non-citizen liable for costs of removal or deportation	No	
	Section 212	Costs of removed or deported spouses, de facto partners and dependants	No	
	Section 214	Non-citizens and carriers jointly liable	No	
	Section 216	Use an existing ticket held by a removee or deportee towards the costs of their removal or deportation	No	
	Section 336E	Disclosing identifying information		

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Legislative Provision			Is this power delegated?	If delegated, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
	Subsection 336F(1)	Authorising disclosure of identifying information to foreign countries etc.	Yes	<u>Migration (Secretary) (Identification) Authorisation 2017 (DEL 17/086)</u> (Authorisation) <u>ABF (S) No.1 of 2018</u> (Delegation)
	Section 488	Tampering with movements records (including disclosure by any means)	Yes	<u>Migration (LIN 18/069: Authorised Officers in relation to Movement Records) Instrument of Authorisation 2018</u> (Authorisation)

1.2 Controls and Assurance

Related Policy	<u>ABF Fitness Requirements – PS (HR-5323)</u> <u>Accountable Authority Instructions – PS (FM-4808)</u> <u>Child Safeguarding Framework – PS (BE-916)</u> <u>Delegated Powers Framework – PS (SM-5404)</u> <u>Freedom of Information – PS (SM-3357)</u> <u>Immigration Compliance and Status Resolution Framework – Policy Statement (PS) (SM-5122)</u> <u>Records Management – PS (TI-1094)</u> <u>Status Resolution System Control Framework – PS (BC-763)</u>
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Procedures / Supporting Materials	<u>Delegated Powers Framework – PI (SM-5425)</u> <u>Detention Health: Fitness to Travel Assessments – PI (DM-5028)</u> <u>Detention Health: Health Discharge Assessment – (DM-5261)</u> <u>Detention Health: Privacy, Consent and Medical Records – PI (DM-5925)</u> <u>Detention Services Manual – Communication and Engagement – Interpreting and Translating Services - PI (DM-600)</u> <u>Detention Services Manual – Illegal Foreign Fishers – Enforcement visa – PI (BE-628)</u> <u>Detention Services Manual – Illegal Foreign Fishers – Illegal Foreign Fishers – PI (DM-590)</u> <u>Field Operations – PI (BE-6712)</u> <u>Official Diaries and Notebooks – PI (BE-2978)</u> <u>Pre-removal Clearances and Informed Request for Removal Statements – PI (VM-3226)</u> <u>Status Resolution Officer – PI (VM-6363)</u> <u>Removal from Australia – Establishing Liability and Availability – SOP (BC-7203)</u> <u>Removal from Australia – Guides – SM (BC-7205)</u> <u>Removal from Australia – Planning and Logistics – SOP (BC-7204)</u> <u>Return and Reintegration Assistance Program – PI (BC-827)</u> <u>Section 501: The character test, visa refusal and visa cancellation – PI (VM-1001)</u> <u>Status Resolution Systems Control Framework – Mandatory Control Points - SM (BC-6186)</u> <u>Vulnerable Persons – SM (SM-5337)</u>
Training/Certification or Accreditation	Status Resolution Essentials (COURSE ILT-ROL-SRHD-PI-SREBLK1 and COURSE ILT-PI-ROLE-DIS) Recommended training available from the learning catalogue in <i>Our People</i>
Other required job role requirements	<u>Removals Job Role Profile</u> (ADD2024/3632113)
Other support mechanisms (e.g. who can provide further assistance in relation to any aspects of this instruction)	<u>Removals Operational Policy (Connected Services Portal)</u> Removals Operational Policy – s. 22(1)(a)(ii) @abf.gov.au Removal Operations Program Management – s. 22(1)(a)(ii) @abf.gov.au Migration and Citizenship Law Section – s. 22(1)(a)(ii) @homeaffairs.gov.au

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Escalation arrangements	Removals Operational Policy – s. 22(1)(a)(ii) @abf.gov.au Removal Operations Program Management – s. 22(1)(a)(ii) @abf.gov.au Migration and Citizenship Law Section – s. 22(1)(a)(ii) @homeaffairs.gov.au
Recordkeeping (e.g. system based facilities to record decisions)	Compliance, Case Management and Detention (CCMD) Portal Content Manager (TRIM) Official Diaries and Notebooks – PI (BE-2978)
Program or Framework (i.e. overarching Policy Framework or Business Program)	Status Resolution System Control Framework – PS (BC-763) Status Resolution System Control Framework – Mandatory Control Points – SM (BC-6186) Immigration Compliance and Status Resolution Framework – PS (SM-5122)
Job Family Framework Role	Removals Officer - Job Role Code 30000498

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Attachment C – Consultation

1. Internal Consultation

The following internal stakeholders were consulted in the development of this Procedural Instruction:

- ABF Charters Team
- ABF College
- ABF International
- ABF Risk and Assurance Section
- ABF Work Health and Safety Section
- All staff consultation in accordance with Section 10 of the Enterprise Agreement 2024-2027
- Australian Border Operations Centre
- Character and Cancellation Policy Section
- Character and Cancellation Support Section
- Child Wellbeing Strategy and Capability Section
- Citizenship Helpdesk Team
- Complex and Controversial Cases Section
- Complex Identity Advice Section
- Corporate and Case Systems Branch
- Criminal Justice Program Team
- Detention Assurance Reporting Section
- Detention Contracts Section
- Detention Health Operations Section
- Detention Health Policy and Program Support Section
- Detention Management and Planning Section
- Detention Operational Policy Section
- Detention Support and Coordination Section
- Enforcement and Immigration Capability Management Section
- Enforcement and Immigration Operational Policy Section
- External Scrutiny Section
- Finance Division
- Freedom of Information Section
- Global Feedback Unit Team
- Human Trafficking Program Team

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- Humanitarian Policy Section
- Immigration Compliance Policy and Intelligence Division
- Immigration Integrity Operations Section
- Integrity Strategy and Policy Section
- International Obligations and Complex Cases Section
- Legal Group
- Maritime Border Command
- Media and Social Media Section
- Merits Review and Border Visas Policy Section
- Ministerial Correspondence, Submissions, Briefs and PDMS Section
- Ministerial Intervention Section
- National Lead for Removal Operations
- Onshore Health Contracts Section
- Operation Sovereign Borders, Joint Agency Task Force Section
- Operational Safety Capability Section
- Panels Grants and Corporate Contracts (Comcover) Section
- Privacy Section
- Protection Caseload Resolution Section
- Records Management Section
- Regional Processing and Resettlement Policy Section
- Removal Operations Branch
- Resettlement and Support Programs Section
- Status Resolution Helpdesk Team
- Status Resolution, Operational Coordination Section
- Status Resolution, Returns and Removals Policy Section
- Transport Security Screening Policy Section
- Traveller Operational Policy Team
- Unaccompanied Humanitarian Minors and Guardianship Section

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Removal from Australia - Establishing Liability and Availability

Standard Operating Procedure

Document ID (PPN)	BC-7203
TRIM Record Number	ADD2025/5330743
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Document Contact	Enforcement and Immigration Compliance Operational Policy Section s. 22(1)(a)(ii) @abf.gov.au

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1. Purpose

The purpose of this Standard Operating Procedure (SOP) is to:

- Provide Removal Officers of the Department of Home Affairs (the Department), including the Australian Border Force (ABF), with sufficient information to obtain the required knowledge about a removee's liability and availability when progressing the removal of unlawful non-citizens (UNCs) and their dependants under sections 198 and 199 of the *Migration Act 1958* (the Migration Act), and deportation of non-citizens under sections 200 and 205 of the Migration Act, ensuring all removals and deportations are conducted in a nationally consistent and lawful manner.

The [Removal from Australia - Establishing Liability and Availability - SOP \(BC-7203\)](#) is to be read in conjunction with the:

- [Removal from Australia - Procedural Instruction \(PI\) \(BC-7202\)](#)
- [Removal from Australia - Planning and Logistics - SOP \(BC-7204\)](#)
- [Removal from Australia - Guides - Support Material \(SM\) \(BC-7205\)](#).

Note: The term 'detainee' and 'removee' are used interchangeably throughout this SOP and the abovementioned documents. Where possible, the term 'removee' is used for a detainee that has been notified of removal. While a 'removee' is often concurrently a 'detainee', there are exceptions, for example Australian citizen dependents of a removee/deportee under sections 199 and 205 of the Migration Act.

2. Scope

2.1. In scope

The information outlined in this SOP applies to Removal Officers who have been engaged to progress the removal or deportation from Australia of those who:

- Are subject to removal under section 198 of the Migration Act; or
- Are a removee's dependent/s and subject to removal under section 199 of the Migration Act; or
- Are subject to deportation under section 200 of the Migration Act; or
- Are a deportee's dependent/s and subject to removal under section 205 of the Migration Act.

Note: Deportation and deportees are not routinely referenced in this SOP. Deportation powers are rarely used, therefore processes for deportees must mirror the processes outlined for removees, unless a specific process for deportation has been included in this SOP.

2.2. Out of scope

This SOP does not apply to officers in business areas of the Department, other than Removals.

All non-citizens who are not being progressed for removal or deportation are out of scope of this SOP.

For additional details on non-citizens who are out of scope, refer to the [Removal from Australia - PI \(BC-7202\)](#).

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3. Establishing liability for removal

3.1. Background

A range of factors may affect the Department's ability to progress the removal of an UNC. In many cases, barriers are temporary and will be resolved through standard removal planning processes. Removal Officers should progress removal planning, to the extent possible, while resolving or waiting on the resolution of barriers, noting that some actions (e.g. seeking a travel document for a person seeking protection) may not be appropriate while that barrier remains in place. For a summary of the effect of detainee circumstances on progressing and effecting the removal refer to the [Removal from Australia - Guides - SM \(BC-7205\)](#).

3.2. Who is an unlawful non-citizen?

Section 14 of the Migration Act defines an UNC as a non-citizen in the migration zone who is not a lawful non-citizen. A lawful non-citizen is a non-citizen in the migration zone who holds a visa that is in effect (section 13 of the Migration Act refers). A person may be an UNC if they entered Australia without being immigration cleared (e.g. without a visa), entered lawfully on a visa that has either subsequently ceased and has not been replaced with another visa, or has been cancelled since the person entered Australia (there may be other reasons a person may be an UNC as this is not an exhaustive list).

3.3. State of mind

3.3.1 Reasonable suspicion

If an officer knows or reasonably suspects that a person in the migration zone (other than an excised offshore place) is an UNC, the officer must detain the person in accordance with subsection 189(1) of the Migration Act. Similarly, if an officer knows or reasonably suspects that a person (other than a person referred to in subsection 189(3A) of the Migration Act) in an excised offshore place is an UNC, the officer must detain the person in accordance with subsection 189(3) of the Migration Act.

After an UNC is placed in immigration detention (including residence determination cases), Status Resolution Officers (SRO) must maintain reasonable suspicion throughout the period of immigration detention. Importantly, this ensures that the detention of an UNC remains lawful. The responsibility for maintaining reasonable suspicion remains with the SRO notwithstanding that:

- An UNC in immigration detention may be referred to Removals, and/or
- An UNC may become no longer liable or available for removal.

Exceptions to the above are as follows:

- Rapid removal streamed detainees - the initial detaining officer is an ABF Officer, followed by a Detention Review Manager (DRM) and only transfers to the SRO if not removed within 28 days
- Illegal Foreign Fishers (IFF) - the initial detaining officer is an ABF Officer, followed by a Removal Officer.

If the UNC becomes no longer liable for removal, the Removals service within the Compliance, Case Management and Detention (CCMD) portal will be closed and the responsibility to maintain reasonable suspicion will continue to remain with the SRO.

For examples of 'Reasonable Suspicion', refer to [State of Mind: Reasonable Suspicion](#).

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3.3.2 Knowledge

Knowledge is a state of mind based on sufficient objective evidence that points, without doubt, to a fact. In order to ensure that a decision is well formed, the Removal Officer must be cognisant of what information is required to move from reasonable suspicion to knowledge.

To establish knowledge that a person is an UNC, Removal Officers must have proof and be able to address the following questions:

- Is the person a non-citizen?
- Is the person a non-citizen, non-alien?
- Does the person hold a visa that is in effect?

Only when the answer to the first question is a definitive 'yes' and the answers to the second and third questions are a definitive 'no', can a Removal Officer know the person is an UNC. However, for the purposes of section 189 of the Migration Act, reasonable suspicion that a non-citizen is an UNC is sufficient to trigger the obligation to detain the non-citizen.

3.3.3 Power to obtain information and documents about UNC's - Reason to believe

Under section 18 of the Migration Act, if the Minister has 'reason to believe' that a person (the first person) is capable of providing information or producing documents that are relevant to ascertaining the identity or whereabouts of another person whom the Minister has reason to believe is an UNC, the Minister may, by notice in writing, require the first person to provide this information or documents.

To exercise this power lawfully, the delegate must satisfy the pre-requisites of the section that they have formed the state of mind that have reason to believe the following:

- The person to whom the notice is issued is capable of giving information or producing documents
- The information or documents are relevant to ascertaining the identity or whereabouts of another person; and
- The other person is an UNC.

The term 'believe' may be regarded as a state of mind that is beyond mere suspicion but which may fall short of proof or certainty. There must be some objectively reasonable grounds or reason for that belief (*George v Rockett* (1990) 170 CLR 104, 112). The issuing officer must be personally satisfied in their belief that the data sought from the other person is relevant to ascertaining the identity or whereabouts of the UNC. This state of mind requirement must be met by the issuing officer themselves (i.e. the delegate). A state of mind cannot be transferred, however the delegate may gather information and intelligence that may go towards forming the grounds to reach the required state of mind. To be able to establish that the other person is an UNC, it is necessary for the delegate to understand the person's immigration clearance and visa status.

Removal Officers must record the facts and circumstances which led to forming the reason to believe.

For examples of 'Reasonable Cause to Believe', refer to [State of Mind: Reasonable Cause to Believe](#).

3.4. Removal streams

Under the Status Resolution System Control Framework (the Control Framework), a detainee is placed into one of the risk profile streams – rapid removal stream or the status resolution program. The Control Framework is based on the level of risk involved in each case and allocates persons to less intensive management streams where there is likely to be less risk involved.

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3.4.1 Rapid removal stream

Cases streamed into a rapid removal stream have a CCMD portal Removal Service opened, are considered to be low risk and are likely to be progressed towards removal within 28 days. Responsibility for maintaining reasonable suspicion is held by the DRM for the rapid removal stream.

An exception to the above is in the case of IFFs who are not reviewed by the DRM for the first 28 days. In this case, the Mandatory Control Point (MCP10) is the control point where the Removal Officer establishes a state of mind as to the IFF's immigration status.

A case must meet the following criteria to be streamed into the rapid removal stream:

- The UNC is an adult
- They are a voluntary removal and do not breach Australia's international obligations
- There are no doubts as to their immigration status as an UNC
- They have no matters before the Department, tribunals or courts
- There are no doubts as to their identity (or their identity is likely to be established within 21 days)
- They have a valid travel document in place or may be able to obtain one within 21 days to facilitate their removal
- The DHSP has advised that the UNC has no health reasons that would otherwise prevent the removal of the UNC
- Any criminal justice impediment to removal, such as a Criminal Justice Certificate, Visa or Warrant in place in relation to the non-citizen, is likely to be resolved within 21 days (see [PAM3: Act - CCR - Program visas - Criminal justice visas](#)).

Removal Officers hold primary accountability to progress an unlawful non-citizen towards the Status Resolution outcome of, Removal from Australia.

Removal Officers may seek assistance and support from SROs or other departmental officers (including contractors) to address issues, complexities or barriers that may delay or impede a removal from progressing.

3.4.2 Status resolution program

More complex cases with identified practical barriers or/and vulnerabilities that are not on a removal pathway, or are likely to take longer than 28 days to effect a removal, are streamed to the Status Resolution program stream where a CCMD portal Case Management Service is opened. Responsibility for maintaining reasonable suspicion is held by the SRO for those streamed into the Status Resolution program.

Detainees streamed into the status resolution program are generally those assessed as not meeting the requirements for the rapid removal stream, who are considered high risk or who are in criminal custody.

Control framework streaming is flexible and allows the movement of a detainee from one stream into another. For example, if a detainee who is streamed into a rapid removal stream is not removed within 28 days, a referral to the Status Resolution program should be initiated in the CCMD portal or via email. The SRO will then accept the referral and take primary carriage of the case.

Removal Officers are able to assist SROs who are trying to progress departure options for non-citizens who are in a form of immigration detention, or who are lawful non-citizens (who cannot be removed), but may soon become UNCs. Removal Officers are best placed to inform non-citizens of the processes and consequences of progressing a removal.

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3.5. Assessments to progress removal

3.5.1 Identity

The [Establishing Identity - PI \(IIB-6792\)](#) provides guidance on what it means to be satisfied of a person's identity and what determines a 'supported identity'. At a minimum, the Removal Officer must be satisfied that the removee is an UNC and a national of the country of return, or eligible for right of entry and stay.

Removal Officers can contact [s. 22\(1\)\(a\)\(ii\)](#) _____@homeaffairs.gov.au during business hours for advice about any complex identity issue and/or whether an issue is of sufficient complexity to warrant formal referral to the Complex Identity Advice team (CIA) for complex identity assessment.

Formal referrals of cases to CIA should be sent once consultation with your Assistant Director or higher ranked officer has taken place.

Complex identity matters are referred electronically to CIA for consideration via the Department's [Complex Identity Referral Form](#) in the IMtel system. Access to IMtel is not required to submit a referral. CIA will advise the referring officer if a referral is accepted or more information is required. See [The Identity Capability Hub - Complex Identity Advice \(CIA\)](#) and [Establishing Identity - PI \(IIB-6792\)](#).

3.5.2 Australian citizenship assessment

To establish that a person is an UNC liable for removal from Australia, the Removal Officer must have 'knowledge' that the person is not an Australian citizen. Australian citizenship can be acquired automatically by operation of law or by application. There are several ways a person may acquire or lose Australian citizenship by operation of law, and these can occur with or without the person being aware of their Australian citizenship status.

Where a person is born in Australia, their citizenship status will not generally be recorded in departmental systems. Investigation beyond a review of departmental systems will be necessary to exclude the possibility that a person has acquired or lost Australian citizenship. Australian citizenship status may only be determined by officers in the Citizenship Operations Section.

Requests for a Citizenship Status Assessment must be completed expeditiously, soon after receiving the removal referral, to provide the Citizenship Helpdesk with enough time to undertake the assessment - preferably 3-5 days. Prior to sending the request, Removal Officers must first check departmental systems to see if a referral for the person of interest (POI) has already been made. This information can be found as a note in the Client Additional Information tab in the Integrated Client Service Environment (ICSE) system.

To request an Australian Citizenship Status Assessment Removal Officers must complete and submit one of the relevant Citizenship Assessment Tools to the Citizenship helpdesk via [s. 22\(1\)\(a\)\(ii\)](#) _____@homeaffairs.gov.au. The tools are listed below and can be found as attachments to the [Australian Citizenship Status Assessments for activities being undertaken under the Migration Act 1958 - SOP \(VM-5328\)](#):

- Citizenship Assessment Tool A: POI born in Australia
- Citizenship Assessment Tool B: POI born outside Australia
- Citizenship Assessment Tool C: POI born in Papua or New Guinea prior to 16/09/1975.

When submitting a Citizenship Status Assessment request, the subject line of the email should be one of the following:

- POI in detention - Citizenship Status Assessment Request - SURNAME, First/Middle Names (In Detention) - DOB: XX/XX/XX, [Gender] - CID: XXXX

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- POI in prison - Citizenship Status Assessment Request - SURNAME, First/Middle Names (In Prison - EDOR: DDMMYY) - DOB: XX/XX/XX, [Gender] - CID: XXXX
- POI in community - Citizenship Status Assessment Request - SURNAME, First/Middle Names (In Community) - DOB: XX/XX/XX, [Gender] - CID: XXXX

For most removal cases, the Citizenship Assessment Tool B will be applicable. Removal Officers should also consider if Citizenship Assessment Tools A & C are appropriate for UNC's that include, but are not limited to:

- IFFs
- Papua New Guineans
- Aboriginal and Torres Strait Islander peoples.

All requests must have Citizenship Assessment Tools attached. It is important that as much information as possible is provided to assist the assessing officer to make a definitive decision with all the necessary information. Parent(s) details and the POI's birth certificate are the most important.

Note: *If all the required information is not provided, the assessing officer will continue with the Citizenship Assessment and make a finding using the information before them.*

Removal Officers must use the relevant Citizenship Assessment Tool, in conjunction with the Request for Removal form and the Detention Client Interview (DCI) Part B, prior to conducting the Removal Availability Assessment (RAA), to demonstrate they are satisfied that the person is not an Australian citizen. Final documentation and evidence of a person's immigration status are recorded in the RAA. Matters that Removal Officers need to turn their minds to in answering immigration status questions in the RAA are discussed in the [Removal from Australia - Guides - SM \(BC-7205\)](#).

Any additional information that casts doubt on the person's citizenship must be investigated, documented and relayed as soon as possible to the Removal Officer's supervisor. Further citizenship investigation includes conducting another citizenship check and another referral to the Citizenship helpdesk.

3.5.3 Notification case law and statutory assessment

[The Comprehensive Assessment Tool \(CAT\) for Notification](#) (ADD2011/1126995) has been designed to assist departmental officers to determine whether the person was correctly notified of certain visa decisions in accordance with statutory requirements, and is not affected by subsequent case law that has impacted the interpretation of those statutory provisions. If a notification error is found, it may affect the person's immigration status and they may need to be re-notified (that is, effectively notified) of the decision. They may also have access to review of the decision.

A CAT is essential where the person has been given a:

- Notification of a decision to refuse a substantive visa that is relevant to:
 - o The person's immigration status; or
 - o Whether the substantive visa application has been finally determined.
- Notification of an invalid substantive visa application that is relevant to the person's immigration status; or
- Tribunal notice that is relevant to the person's immigration status.

In completing a CAT, a Removal Officer should be mindful of events in the removee's immigration history that could affect their liability and availability for removal. For example:

- Any reason the officer considers there may be any risk of defective notification

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- The person has a long or complex immigration history that is beyond simple visa refusals or cancellation decisions
- There are inconsistencies between the person's oral account of their immigration history and systems records
- There are identity issues
- Source records cannot be located/obtained from systems or physical files
- Any other contributing factor.

The current CAT version must be used and a copy of the notification case law and statutory assessment recorded in Content Manager (TRIM) and the CCMD portal.

For additional guidance on case law assessment/notification issues, officers should liaise with their manager.

If a referral to the Status Resolution Helpdesk is required, refer to the [Status Resolution - SR Help Desk](#) for information on how to make a referral.

Officers should also refer to the [Notification requirements - PI \(LS-1818\)](#).

3.5.4 Other risks that impact immigration status/removal availability

Removal Officers need to be aware that the CAT is not a status tool and there could be other reasons a person may not be an UNC and liable for removal, not addressed by conducting a CAT:

- Visas granted by operation of law (e.g. at birth under section 78 of the Migration Act; on 01/09/1994 as part of the Transitional arrangements such as an Absorbed person visa; Ex-citizen visas, etc)
- Historical visa applications lodged pre-1994, that may not be visible in ICSE due to data migration
- Consideration of withdrawal requests that are relevant to the person's immigration status (e.g. checking a withdrawal request was made correctly in writing and that any relevant dependant name is included)
- Outstanding revocation requests and/or other judicial review matters
- Other changes in circumstances that may impact on the lawfulness or appropriateness of an UNC status when otherwise raised
- Resolved or unresolved claims for protection, including where the non-citizen has not formally stated they have a claim for protection but their circumstances indicate that such a claim might exist.

3.5.5 Non-citizen non-alien

In *Love v Commonwealth; Thoms v Commonwealth of Australia* [2020] HCA 3 ('*Love/Thoms*'), a majority of the High Court held that an Australian Aboriginal or Torres Strait Islander person who meets the tripartite test as established in *Mabo v Queensland [No. 2]* (1992) 175 CLR 1 are not within the reach of the 'aliens' power under paragraph 51(xix) of the Constitution. That is the case even if the person holds foreign citizenship and is not an Australian citizen. Consequently, there is a subcategory of non-citizens who are 'non-citizen non-aliens'. Non-citizen non-aliens cannot be detained or removed.

3.5.5.1 The tripartite test

The tripartite test used by the Court in *Love/Thoms* is comprised of three limbs:

- The person must be biologically descended from Aboriginal or Torres Strait Islander people
- The person must self-identify as an Aboriginal or Torres Strait Islander person

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- The person must be recognised by Elders or other people who are seen, by their own Aboriginal or Torres Strait Islander community, as having authority under the laws and customs of that community as passed down through the generations, to make decisions about membership of that community.

The person must meet all three limbs by reference to the same Aboriginal or Torres Strait Islander community.

The Removal Officer should confirm and note the assessment outcome of any prior Indigeneity claim recorded in departmental systems. If any new claim of Indigeneity is made or indicated, for example by:

- Interview or record of interview; or
- A departmental record indicating that a parent/grandparent of the detainee is Aboriginal or a Torres Strait Islander; or
- Any other source of information that reasonably suggests a person might be an Australian Aboriginal or Torres Strait Islander person;

Then the Removal Officer must take *positive steps* to approach the detainee and ask:

- If they self-identify as an Aboriginal or Torres Strait Islander person (if claims of Indigeneity arose from another source)
- For evidence of their biological descent from Aboriginal or Torres Strait Islander people
- For evidence of recognition by an Elder or other person/organisation enjoying traditional authority in an Aboriginal or Torres Strait Islander community, that the detainee is a member of that community.

Removal Officers should immediately escalate to their supervisor any instance where an UNC raises a claim of Indigeneity not already resolved by the Status Resolution Helpdesk. Removal Officers should also immediately escalate instances where they are aware of any information or evidence that suggests an UNC may be an Aboriginal Australian or Torres Strait Islander person not already dealt with and considered by the Status Resolution Helpdesk.

When a Removal Officer becomes aware of new information that suggests an UNC may be an Aboriginal Australian or Torres Strait Islander person, the officer must refer that information to the detainee's SRO for their consideration of whether a referral to the Status Resolution Helpdesk is required.

If a referral is required, it must include any associated evidence provided by the detainee. Following referral, Removal Officers must continue removal planning while awaiting the *Love* assessment outcome. If advice is received from Status Resolution that a particular detainee satisfies the tripartite test, 'reasonable suspicion' will no longer be 'reasonable' and the detainee must be released from detention.

If the assessment is finalised by giving the detainee an 'End of Enquiry Letter' advising them, in part, that the Department does not consider them to be affected by the decision in *Love* and that consideration of their claims has come to an end unless further information is provided, the Removal Officer will need to include the following phrasing in the [Notice of Intention to Remove from Australia form](#) (ADD2016/715315) after the last Public Interest Criterion paragraph:

'The Department has previously written to you about the decision of the High Court in Love v Commonwealth of Australia; Thoms v Commonwealth [2020] HCA 3 (Love and Thoms). In that case, a majority of Justices found that certain Aboriginal Australians cannot be detained under s 189 of the Migration Act 1958 ('the Act') or removed from Australia under s 198 of the Act. On [date], we informed you that the Department is of the view that you are not a person affected by this decision. You have not provided us with any further information in support of any claims you may have to be affected by the High Court decision. We remain of our view that you do not meet the tripartite test used by the High Court in Love and Thoms. This Notification of Intention to Remove From Australia letter is given to you on that basis.'

For further explanation on *Love* assessment outcomes refer to the

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[Removal from Australia - Guides - SM \(BC-7205\)](#) and the [Procedural Instruction - Status Resolution - Section 189 Post Love/Thoms High Court Decision](#).

If a Removal Officer is unsure whether a person is *Love/Thoms* affected, they should email Migration and Citizenship Law Section via ^{s. 22(1)(a)(ii)} [@homeaffairs.gov.au](mailto:homeaffairs.gov.au) for further advice.

3.5.6 MCP10 - RAA

Removal Officers must demonstrate they have independently determined a person is an UNC and is both liable (a removal power under section 198 of the Migration Act is enlivened) and available (the removal is reasonably practicable) for removal by completing the RAA. The RAA is the tool used to determine and verify whether an UNC is both liable and available for removal. The RAA prompts the assessing officer to consider both legislative and policy issues related to removal through a series of factual and procedural-related questions. These issues include:

- Identity, immigration status at the time of removal, nationality and right of entry into the country of removal
- Unfinalised visa applications, merits review, judicial review or requests for ministerial intervention (MI)
- Any unresolved substantive claims, complaints or investigations by third parties or need for pre-removal clearances (PRC)
- Complaints
- Length of time in detention and Ombudsman notification requirements
- Fitness to travel and consideration of any special return needs; for further information refer to the [Detention Health: Health Discharge Assessments - PI \(DM-5261\)](#).

When addressing these questions, Removal Officers must demonstrate that the UNC is liable and available for removal by providing evidence to support the conclusions. Evidence may be in the form of a:

- Notification case law and statutory assessment
- Australian citizenship assessment
- *Love* assessment.

Removal Officers are to document impediments to removal and steps taken to resolve barriers on the same ongoing basis. Refer to the [Removal from Australia - Guides - SM \(BC-7205\)](#).

4. Establishing availability for removal

4.1. Reasonably practicable

Under section 198 of the Migration Act, a Removal Officer must remove an UNC (to whom section 198 of the Migration Act applies) from Australia as soon as reasonably practicable. The Migration Act does not define a period of time that is considered as soon as reasonably practicable, but it should be noted that Removal Officers need to be flexible as to what time period satisfies this legislative requirement.

While practicable denotes what can be done, it is qualified by what is reasonable for the UNC and the Department in all circumstances. The Removal Officer must ensure that there are no unwarranted delays in progressing and effecting a removal. If the delays are unreasonable or unwarranted and the detention of the UNC prolonged, there is a consequential risk that the detention may become unlawful (if they are held in immigration detention pending their removal). The legality of detention depends on whether the Department can establish, as a matter of fact, that an UNC can be removed.

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In *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor* (NZYQ), the High Court held that immigration detention is not lawful if it is not reasonably capable of being seen as necessary for a legitimate and non-punative purpose in circumstance where there is 'no real prospect of removal from Australia becoming practicable in the reasonably foreseeable future'. If the Department cannot prove that there is a 'real prospect' of an UNC being removed in the reasonably foreseeable future, and the purpose of the UNC's detention is removal (i.e. there are no undecided visa applications, revocation matters etc), the Department must release the UNC from immigration detention. Whether there is a 'real prospect' of removal occurring in the reasonably foreseeable future is largely dependent on the UNC's individual circumstances and that of the receiving country. In contemplating this question, it is necessary to consider the individual circumstances of each case and factors such as:

- The UNC's claimed identity (to determine the receiving/home country, or another country if stateless)
- Whether the UNC is fit to travel as informed by the Detention Health Services Provider (DHSP)
- Whether the UNC has a travel document, and if not, the process to obtain one
- Whether there is an agreement from the UNC's home country to re-admit them (usually evidenced by the issue of a travel document if undocumented)
- If the UNC is stateless, whether there is another country to admit them.

To this effect, the Department has established a number of compulsory policy assessments before an UNC may be removed. These are set out in the RAA in the CCMD portal. This is the key tool for determining whether an UNC is available for removal and forms part of the Status Resolution Control Framework as MCP10.

The '[Guidance for identifying NZYQ-affected cases](#)' document (ADD2023/6810798) provides Removal Officers with practical guidance on making a preliminary assessment to identify and flag cases that are likely to be affected by the NZYQ judgement.

If a Removal Officer is unsure whether a person is NZYQ affected, they should email Migration and Citizenship Law Section via [s. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](#) for further advice.

4.2. Statelessness

The [United Nations Convention relating to the Status of Stateless Persons 1954](#) provides that a 'stateless person' is a person who is not considered to be a national by any State under the operation of its law. Stateless UNC's might come to the attention of Removal Officers in several different circumstances. For example, some may have been refused a PV while others may have had their visa cancelled on character grounds and may have lost their previous citizenship during their period of residence in Australia. Removal Officers should explore all departmental systems and refer to relevant departmental stakeholders as required in order to verify whether or not a removee is stateless, then consider what removal options may be appropriate to their circumstances, including investigating third country removal options.

Removal Officers should email CIA via [s. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](#) for advice about identity and complex cases.

Removal Officers can refer complex identity matters for actioning via the Department's [Complex Identity Referral Form](#) in the IMtel system. CIA will advise the referring officer if the referral is accepted or if more information is required. Refer to the [Establishing Identity - PI \(IIB-6792\)](#) for further information.

If an UNC who may be stateless is liable for removal, Removal Officers should request that further investigation of possible third country options be conducted through the Consular Engagement and Liaison Team (CELT) in National Removals and the relevant country desk in International Division. This may involve the relevant area approaching countries where the UNC may be entitled to citizenship (e.g. the country of their birth, country of previous residence and/or country of nationality of their spouse, parents or grandparents), to establish whether any of these countries will either recognise the UNC as their national or

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issue a travel document to allow their entry and long term stay or residency. For potential 'sur place' protection claims to arise, refer to '[Sur Place protection claims](#)'.

If an UNC is found/determined to be stateless, there may be practical difficulties in effecting their removal. For example, without confirmation of nationality, it may not be possible to obtain a travel document. These cases should be referred to Status Resolution via the CCMD portal and an email to the relevant state Status Resolution team and considered for an urgent referral to the Case Analysis and Review Section (CARS) to assess if the person falls within scope of the NZYQ High Court ruling (NZYQ).

4.3. Voluntary removal

Voluntary removals are removals where an UNC requests removal from Australia in writing under subsection 198(1) of the Migration Act. In practice, this is evidenced where the UNC has signed a [Request for Removal from Australia form](#) (ADD2016/715287). Voluntary removals represent the vast majority of the Department's removals activity each year. Removal Officers should, at every opportunity, encourage UNC's to sign the [Request for Removal from Australia form](#) (ADD2016/715287) and cooperate with removal arrangements. Removal Officers can reinforce the voluntary removal message by explaining to the UNC that signing this form may support a more informed and independent decision, and offer greater control over their removal process and arrangements.

4.3.1 Legislative authority for request for removal

The Department encourages UNC's to depart Australia voluntarily. If an UNC requests removal from Australia in writing, they **must** be removed as soon as reasonably practicable (see subsection 198(1) of the Migration Act). This is referred to as a 'voluntary removal'.

It is the Department's preference that UNC's use the [Request for Removal from Australia form](#) (ADD2016/715287) to request removal from Australia. However, it is not a legal requirement that UNC's use this form. All that is required is that the request is made in writing.

An UNC can request to be removed at any time.

A person who is a lawful non-citizen (e.g. a Bridging E visa holder) in criminal custody can make a request in writing for removal as soon as reasonably practicable upon their release from criminal detention. Removal planning for requests in writing from persons in criminal custody should commence at the earliest possible date before release from prison.

If a person has been found to engage Australia's protection obligations as defined by the Migration Act and/or has a protection finding within the meaning given by section 197C of the Migration Act, the Department must ensure that the person has been informed of their protection finding status and the potential risks in returning to their home country, and that their request is truly voluntary. Refer to [Pre-removal Clearances and Informed Request for Removal Statements - PI \(VM-3226\)](#).

Further, if the person is covered by a 'protection finding', voluntary removal can only proceed to the country by reference to which the protection finding was made if the person has asked to be removed, in writing, to *that country* (see subparagraph 197C(3)(c)(iii) of the Migration Act). However, this written request does not override Australia's *non-refoulement* obligations under international law. An assessment must still be undertaken to determine whether those obligations are engaged.

4.3.2 Removal forms

The [Request for Removal from Australia form](#) (ADD2016/715287) is used to document the person's intention to leave Australia voluntarily. Officers will be prompted to click on the 'Please select lawful status' dropdown menu and should select:

- UNC
- Lawful non-citizen in criminal detention; or

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- UNC in criminal detention.

Request for Removal from Australia - UMA liable for transfer to Regional Processing Country

(ADD2012/1783241) is used for an UMA who is liable for transfer to a regional processing country but who requests removal from Australia instead.

Request for Removal from Australia - transitory persons (ADD2012/1782836) is used for an UMA who was brought to Australia from a regional processing country for a temporary purpose (i.e. medical treatment) and requests removal from Australia.

A person's refusal to use a Request for Removal from Australia form does not extinguish the obligation to remove the person under subsection 198(1) of the Migration Act if the person has made their request in writing.

Although there is no requirement in the Migration Act or the *Migration Regulations 1994* (the Regulations) for a person who requests removal for the purposes of subsection 198(1) of the Migration Act to withdraw any unfinalised visa applications, applications for merits review, applications for judicial review or requests for MI, it is departmental policy that officers ask the person to do so. Signing a Request for Removal from Australia form does not withdraw or discontinue any outstanding matters the person may have before the Department, merits review bodies or the courts.

Subsection 46A(1) of the Migration Act provides that an application for a visa is not a valid application if it is made by an UMA who is in Australia and is either:

- An UNC; or
- Holds a bridging visa, Temporary Protection Visa (TPV) or a temporary visa of a kind prescribed by regulation 2.11A for the purposes of subparagraph 46A(1)(b)(ii) of the Migration Act (this includes a, Temporary Safe Haven (Class UJ) visa and Temporary (Humanitarian Concern) (Class UO) visa).

Under subsection 46A(2) of the Migration Act, if the Minister thinks it is in the public interest to do so, they may, by written notice given to an UMA, determine that subsection 46A(1) of the Migration Act does not apply to an application by the UMA for a visa of a class specified in the determination.

Given the effect of subsection 46A(1) of the Migration Act, UMAs should not be asked to withdraw their PV application if that application has not been finally determined at the time they request removal. Depending on individual circumstances, if an UMA withdraws their PV application, the section 46A bar may drop back into place. If the UMA then changes their mind about voluntary removal and wishes to re-lodge their PV application, they would be unable to do so without lodging a request for MI. In these circumstances, it would be more efficient to have the person sign an Informed Request for Removal Statement (IRRS) acknowledging they could continue to remain in Australia pending the outcome of their PV application, however they nonetheless wish to be removed. For information about the IRRS and how the statement is to be put to the UNC, refer to the [Pre-removal Clearances and Informed Request for Removal Statements - PI \(VM-3226\)](#).

For more information on these forms, refer to the [Removal from Australia - Guides - SM \(BC-7205\)](#).

4.3.1.1. RFR forms for spouses/de facto partners and/or dependent children:

There are also Request for Removal forms (RFR) for spouses/de facto partners and/or dependent children to use to request their removal from Australia under sections 199 or 205 of the Migration Act. For this purpose, the following forms can be used:

- *Request by partner for removal of self (and dependants)* (ADD2017/1930431), subsections 198(1), 199(1) and 199(2) of the Migration Act
- *Request by removee for removal of dependants from Australia* (ADD2017/2287828), subsections 198 and 199(3) of the Migration Act.

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When making decisions about the removal of children as part of a family unit or unaccompanied, the best interests of the child must be treated as a primary consideration. Removal Officers will need to be aware of and refer to the [Best Interests of the Child - PS \(DM-5721\)](#) and the [Best Practice for Interacting with Children - PI \(BC-764\)](#) when reading and implementing this SOP.

4.3.3 If the person changes their mind about leaving voluntarily

If a person changes their mind and withdraws their request to be removed, the Removal Officer must record the withdrawal in approved departmental systems (e.g. TRIM and the CCMD portal), and immediately advise the Migration and Citizenship Litigation Branch via s. 22(1)(a)(ii) @homeaffairs.gov.au. If there are unfinalised processes on foot (e.g. MI requests or protection assessments), the Removal Officer must also immediately advise relevant areas and the person's SRO.

In addition, for a person who is covered by a protection finding, the Migration Act specifically provides that a person who has withdrawn a written request to be removed to the country by reference to which the protection finding was made is taken not to have made that request (subsection 197C(9)).

Wherever possible, withdrawal of a request for removal is to be signed by the person making that request on the form *Withdrawal of Request for Removal from Australia* (ADD2012/1770727).

4.3.4 Request for removal and criminal justice process

If an UNC who is subject to criminal proceedings has requested removal from Australia, the Removal Officer is to consult with the relevant law enforcement authority (LEA), to ensure the UNC is not required to remain in Australia. If the UNC is subject to a criminal justice stay certificate (CJSC) (sections 147 and 148 of the Migration Act refers), contact the Department's Criminal Justice Program (CJP) team via s. 22(1)(a)(ii) @homeaffairs.gov.au.

The CJP team manages all UNC's who are subject to a CJSC. A CJSC stays the involuntary removal or deportation of an UNC (however, it does not stay voluntary removal where a request in writing to be removed is made under subsection 198(1) of the Migration Act). A CJSC may be given where, among other things, the stay of the UNC's removal or deportation is required for the administration of criminal justice. An UNC may be the subject of either a Commonwealth CJSC or a State CJSC.

The process and circumstances for engagement with the LEA and the CJP team are contained in:

- [Criminal Justice Stay Certificates - Request for Removal Process](#) (ADD2019/5115387)
- [Withdrawal of request for removal from Australia of persons subject to a criminal justice stay certificate](#) (ADD2019/1630865).

4.3.5 Suspected offender requesting removal

Subsection 250(2) of the Migration Act provides that, for the purposes of section 189, an officer has a suspicion described in that section about a person if, but not only if, the person is a 'suspect' within the meaning of subsection 250(1).

A non-citizen will be a 'suspect' if they travelled, or were brought, to the migration zone and is believed by an authorised officer on reasonable grounds to have been on board a vessel (not being an aircraft) when it was used in connection with the commission of an offence against an Australian law.

A suspect may be kept in immigration detention for the period required to make a decision whether to prosecute them in connection with the offence concerned, or instituting such a prosecution and, if the suspect is prosecuted, for such further period required for the purposes of the prosecution (see subsection 250(3) of the Migration Act).

Note: Investigation by the Australian Federal Police (AFP) or the police force of an Australian State or Territory does not preclude a suspect from requesting removal under subsection 198(1) of the Migration Act.

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If a suspect expresses a desire to voluntarily leave Australia at any point, they should be provided with the appropriate RFR form.

If a suspect requests removal, the Department must remove the person as soon as reasonably practicable. Where a law enforcement agency has an interest in a person subject to section 250 of the Migration Act, refer to [Request for removal and criminal justice process](#).

4.3.6 Request for removal with ongoing matters

Where a person has an unfinalised valid visa application, merits review or judicial review but has completed a RFR form, Removal Officers must remove that person as soon as is reasonably practicable under subsection 198(1) of the Migration Act. For further information on the Removal notification (including the Migration Practise Note), refer to the [Removal from Australia - Planning and Logistics - SOP \(BC-7204\)](#).

For voluntary removals the Department has a responsibility to show due diligence in cases where Australia's *non-refoulement* obligations may be engaged, by demonstrating that the person has made an informed decision to return to their home country. Removal Officers are to determine if referral is required to International Obligations and Special Humanitarian Program Section (IOSHPS) via

s. 22(1)(a)(ii) [@homeaffairs.gov.au](#) for a protection officer to determine if their circumstances require an IRRS.

Removal Officers must advise the Migration and Citizenship Litigation Branch about the removal plans via s. 22(1)(a)(ii) [@homeaffairs.gov.au](#) and National Removals via s. 22(1)(a)(ii) [@abf.gov.au](#), attaching the RFR form and itinerary to the referral.

4.3.7 Voluntary removal for United Nations complaint or Interim Measures Request (IMR)

A United Nations (UN) complaint or an Interim Measures Request (IMR) by a UN Committee is not a barrier to the removal of a person who has requested removal in writing under subsection 198(1) of the Migration Act. Only a court injunction prevents a voluntary removal.

For voluntary removals the Department has a responsibility to show due diligence in cases where Australia's *non-refoulement* obligations may be engaged, by demonstrating that the person has made an informed decision to return to their home country. For more information on when non-refoulement obligations may be engaged, refer to '[Non-refoulement obligations and removal processes](#)'. If there is an IMR in place Removal Officers should inform the UN Complaints and IMR team via the s. 22(1)(a)(ii) [@homeaffairs.gov.au](#) mailbox. Removal Officers are to determine if referral is required to IOSHPS, via s. 22(1)(a)(ii) [@homeaffairs.gov.au](#) for a protection officer to determine if their circumstances require an IRRS.

4.3.8 Section 501 revocation requests

For UNCs who request removal from Australia after making, in accordance with subsection 501CA(3) of the Migration Act and regulation 2.52 of the Regulations, a valid application for revocation of a mandatory cancellation decision, the revocation application:

- Can still proceed even if the detainee leaves Australia; and
- Is not a barrier to removal unless they withdraw the removal request.

Note: A detainee who made representations under section 501CA(3) of the Migration Act can be removed under subsection 198(6) of the Migration Act, if they applied for a PV after the subsection 501(3A) (of the Migration Act) decision and the PV application is finally determined.

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4.4. Involuntary removal

Non-citizens who have not requested in writing to be removed from Australia, and who are not actively cooperating with their voluntary return, are 'involuntary' removals. Their involuntary status may, in some circumstances, delay their removal.

4.4.1 Interim Measures Request (IMR) issued

If an UNC has a complaint before a UN Committee and no IMR has been issued requesting that Australia refrain from removing them, an involuntary removal can proceed. However, the involuntary removal of an UNC with an IMR that requests Australia refrain from removing them must be considered in parallel with removal planning while the Minister considers whether to make a determination that the IMR is unwarranted. Advice about the impact of IMRs on removal planning for UNC's can be sought from the Protection Caseload Resolution Section, UN Complaints and IMR team via [s. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](#). IMRs require Removal Officers to undertake early and close consultation with Status Resolution and Protection Caseload Resolution to manage potential issues and for consideration of alternative management options.

Under IMR policy agreed to by the Ministers for Home Affairs, Foreign Affairs and the Attorney General, the Minister is responsible for determining whether an IMR is warranted or unwarranted. The policy requires IMRs to be assessed within 30-40 calendar days. An expedited process for dealing with IMRs issued while an UNC is at an international transit point is included in policy. Removal Officers who will be effecting the involuntary removal of an UNC with an IMR issued in respect of them by a UN Committee, should refer to the *Removal of persons with an Interim Measures Request issued in respect of them by a United Nations Committee* (ADD2017/1590876) for guidance.

A copy of the [IMR policy](#) can be found in TRIM (ADD2025/1288114).

Any questions or concerns raised by a UN agency and/or in relation to a UN complaint or IMR should be submitted via [s. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](#).

4.4.2 Unfinalised litigation

In some cases, particularly if an UNC has a history of serial and repetitive litigation, Removal Officers may decide to progress removal despite unfinalised litigation.

Before progressing a removal, Removal Officers must first refer the case to the Migration and Citizenship Litigation Branch for their views on the appropriateness of the removal and the Department's ability to successfully defend an injunction application (to stay removal).

When referring cases to the Migration and Citizenship Litigation Branch, Removal Officers are to include a summary of the person's immigration history, note any sensitivities of the case and provide an up-to-date Removal of Interest Brief (ROIB), if available.

4.4.3 Unfinalised merits review in relation to substantive visas

Section 198 of the Migration Act generally *does not* authorise the involuntary removal of an UNC who has unfinalised merits review entitlements relating to a substantive visa application.

Section 198 *does* authorise removal of the UNC where a substantive visa application has been finally determined (i.e. is no longer subject to merits review under Part 5 of the Migration Act).

Subsection 11A(1) of the Migration Act specifies when an application is finally determined (to be read in conjunction with subsections 11A(2) and (3)). Paragraph 11A(1)(a) of the Migration Act provides that an application is finally determined when a decision that has been made in respect of the application is not, or is no longer, subject to any form of review under Part 5.

Visa refusal and cancellation decisions made on character grounds under section 501, as well as certain protection visa (PV) refusal decisions on security or risk grounds, are not subject to review under Part 5 and are instead subject to review under Part 9 (if merits review is even available at all) – see section 500 of the

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Migration Act. In these instances, the application is finally determined as soon as a decision is made to refuse the visa. However, the Department takes the view that in such situations the applicant would generally be successful in seeking an injunction to prevent removal, and as such removal in these cases is generally not reasonably practicable. This includes both circumstances where a person has a valid unfinalised merits review application and circumstances where they are still within relevant eligibility periods for lodgement.

In exceptional cases, where there are compelling operational reasons (as determined by the Removals Superintendent or above), for the removal of a person with unfinalised merits review in relation to a substantive visa under Part 9 of the Migration Act, Removal Officers may decide to progress removal.

Furthermore, subsection 197C(3) of the Migration Act does not authorise the removal of an UNC to a country if the UNC has unfinalised merits review of a decision made under section 197D that an UNC is no longer a person in respect of whom a protection finding would be made with respect to that country.

Before progressing a removal, Removal Officers must first refer the case to the Migration and Citizenship Litigation Branch via s. 22(1)(a)(ii) @homeaffairs.gov.au for their views on the appropriateness of the removal and the Department's ability to successfully defend an injunction application (to stay removal). The Migration and Citizenship Litigation Branch will consult with the International Law and Protection Obligations Section for advice on international law (including *non-refoulement*) obligations.

When referring cases to the Migration and Citizenship Litigation Branch, Removal Officers are to include a summary of the person's immigration history, note any sensitivities of the case, and provide an up-to-date Removal of Interest Brief (ROIB), if available.

4.4.4 Unfinalised merits review in relation to non-substantive visas

Unfinalised merits review entitlements in relation to non-substantive visas are not a legislative barrier to removal and should not delay or otherwise prevent removal planning and execution, however the removal plans must be escalated as a priority to the Migration and Citizenship Litigation Branch via s. 22(1)(a)(ii) @homeaffairs.gov.au. The Branch will be able to assist with advice in relation to possible legal issues or complications that may arise in the course of removal.

4.4.5 Unfinalised judicial review in relation to substantive visas

The Migration Act does not preclude the involuntary removal of UNCs who are entitled to seek judicial review or who are seeking judicial review of a decision in relation to a substantive visa. However, the Department takes the view that while such a person is liable to be removed, their removal is not reasonably practicable due to the high likelihood they could successfully seek an injunction to prevent removal. As a matter of policy, persons in this cohort usually should not be removed for a reasonable period after their merits review decision to allow them time to seek judicial review, or while their judicial review is ongoing.

If an UNC is not removed due to ongoing judicial review, Removal Officers should nonetheless make appropriate enquiries to establish a timeframe for removal under section 198 of the Migration Act. Removal should occur as soon as reasonably practicable after the judicial review application is finalised.

Note: This policy can be disregarded if a removee requests voluntary removal under subsection 198(1) of the Migration Act. However, the Migration and Citizenship Litigation Branch should be consulted as the courts require compliance with the Migration Practice Note - Removal from Australia of Immigration Detainees who have Proceedings before the Court (MIG-2). The Migration and Citizenship Litigation Branch will consult with the International Law and Protection Obligations Section for advice on international law (including *non-refoulement*) obligations.

4.4.6 Unfinalised judicial review in relation to non-substantive visas

If a person is seeking judicial review (or is within the appeal period) of a non-substantive visa, removal should still proceed. This includes judicial review of a delegate's decision to refuse to waive condition 8503 (no further application). However, to mitigate any possible risks, Removal Officers should consult the

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Migration and Citizenship Litigation Branch via [s. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](#) before commencing removal planning.

When referring cases to the Migration and Citizenship Litigation Branch, officers are to include a summary of the person's immigration history, note any sensitivities of the case and provide an up to date ROIB, if available.

Note: *In these circumstances the Migration and Citizenship Litigation Branch should still be consulted as the courts require compliance with the Migration Practice Note - Removal from Australia of Immigration Detainees who have Proceedings before the Court (MIG-2).*

4.4.7 Notification

When seeking to remove a person with unfinalised litigation, the Department must ensure that the person is notified of the scheduled removal within a reasonable time to seek legal advice and/or initiate legal proceedings in relation to the removal. This notice must occur separately and in addition to the Notice of Intention to Remove from Australia.

'A reasonable time' will depend on all the circumstances of the case including, but not limited to, whether the person has legal representation, their literacy and English language ability and any mental health or legal capacity issues. As a rule, at least 7 days' notice is preferred.

Officers should consult the Migration and Citizenship Litigation Branch via [s. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](#) at the earliest opportunity for assistance in determining whether this additional notice is required, and if so, its content and timing.

For advice on removal notification requirements for this cohort, refer to the [Removal from Australia - Planning and Logistics - SOP \(BC-7204\)](#).

4.4.8 Unfinalised review of a Protection visa

Planning for involuntary removal should still take place where the detainee has an unfinalised merits or judicial review of a PV. However, Removal Officers must not proceed with elements of removal planning that involve contact with foreign missions (e.g. to seek travel documents). See '[Sur place protection claims](#)' in the [Removal from Australia - PI \(BC-7202\)](#) and the [Removal from Australia - Planning and Logistics - SOP \(BC-7204\)](#).

4.4.9 Disengaged UMAs - legacy caseload post 1 October 2017

The Department undertook comprehensive steps to ensure that UMAs were aware of the requirement to lodge either a TPV or Safe Haven visa application prior to 1 October 2017 in order to have their claims assessed. UMAs who did not lodge a valid TPV or Safe Haven visa application have been notified that they are now barred from lodging a valid application. Although an UMA can no longer lodge a valid TPV or Safe Haven visa application, it remains open for an UMA to raise new claims for protection.

Removal Officers who are planning the removal of UMAs who:

- Did not lodge a valid TPV or Safe Haven visa application by 1 October 2017 and are barred from lodging an application under section 46A of the Migration Act
- Have been the subject of an Informed Referral to Status Resolution (IRSR) which did not identify protection barriers to removal

should be referred to the PV helpdesk via [s. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](#) for urgent consideration of any new claim(s). Removal planning must proceed (as discussed in the '[Non- refoulement obligations and removal processes](#)' and '[Sur place protection claims](#)' sections, below).

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4.5. Section 198AE

4.5.1 Effect of section 198AD of the Migration Act

Subject to a number of exceptions, UMAs who arrived in Australia on or after 13 August 2012 and are detained under section 189 of the Migration Act must, as soon as reasonably practicable, be taken to a regional processing country (RPC) (see section 198AD of the Migration Act).

If an UMA must be taken to a RPC under section 198AD, removal powers under section 198 of the Migration Act are not available (see subsection 198(11)) unless one of the following provisions applies:

- Section 198AE – if the Minister thinks that it is in the public interest to do so, the Minister may, in writing, determine that section 198AD does not apply to an UMA
- Section 198AF – section 198AD does not apply to an UMA if there is no RPC
- Section 198AG – section 198AD does not apply to an UMA if the RPC, or each RPC (if there is more than one such country), has advised an officer, in writing, that the country will not accept the UMA.

On 30 November 2022, the Minister exercised their power under section 198AE to make a '*blanket determination*' (ADD2023/143948) that section 198AD does not apply to the following class of UMA:

- If he or she was not a person to whom section 198AD applied, would be a person to whom subsection 198(1) would apply in that he or she has an extant request in writing to the Minister to be removed from Australia; and
- Has a right of entry to the country to which he or she has asked to be removed, which the Department is satisfied can be exercised; and
- Has not made, or has withdrawn, any claims from Australia's protection; and
- Remains cooperative to the Department's satisfaction, in all aspects necessary to effect his or her removal.

If an UMA meets all four criteria in the Minister's determination, section 198AD no longer applies which makes section 198 removal powers available. Where a person has not requested to be removed from Australia under subsection 198(1) of the Migration Act and the Department is seeking to remove them under section 198 of the Migration Act, it will be necessary for a submission to go to the Minister to exempt the UMA from being taken to a regional processing country, prior to removal. This determination allows section 198 removal powers to become available. If the UMA withdraws their request to be removed, makes a claim for protection or no longer cooperates with removal arrangements, the section 198AE exemption will no longer apply and the UMA must, as soon as reasonably practicable, be transferred to a RPC under section 198AD of the Migration Act.

Submissions for section 198AE ministerial requests are completed by the relevant removal operations team. For guidance on UMAs who require a section 198AE MI submission, refer to the [Removal from Australia - Guides - SM \(BC-7205\)](#).

4.6. Impediments to availability

A range of factors may affect the Department's ability to progress a removal. These may include unfinalised visa applications and/or clinically indicated issues that are captured/addressed as part of the removal process. For further information, refer to the [Detention Health: Health Discharge Assessments - PI \(DM-5261\)](#). If possible, Removal Officers should progress other elements of removal planning (e.g. obtaining travel documents), while resolving or waiting on the resolution of barriers. For further detail of the effect of detainee circumstances on progressing and effecting the removal, refer to the [Removal from Australia - Planning and Logistics - SOP \(BC-7204\)](#).

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4.6.1 *Non-refoulement* obligations and removal processes

Non-refoulement obligations refer to Australia's international law obligations not to remove people to situations where they face certain types of harm. Section 197C of the Migration Act was introduced in 2014 to manage the potential for UNCs to seek court injunctions to prevent their removal from Australia by claiming their removal would be in breach of Australia's *non-refoulement* obligations, despite having been found not to engage these obligations. Amendments made to section 197C of the Migration Act and related provisions by the [Migration Amendment \(Clarifying International Obligations for Removal\) Act 2021](#) (the CIOR Act) in May 2021 ensure that section 198 of the Migration Act does not require or authorise an officer to remove an UNC to the country in relation to which a protection finding reflecting Australia's *non-refoulement* obligations has been made through the PV process.

Section 36A of the Migration Act, which was introduced at the same time as the amendments to section 197C, ensures that when assessing a PV application, the criteria which reflect Australia's *non-refoulement* obligations are assessed, including in circumstances where the applicant is ineligible for a visa grant on character or security grounds or where they have a right to enter and reside in another country.

The effect of the amended section 197C is that a person cannot be removed to the country in relation to which their protection claims have been accepted under the PV process, unless the:

- Decision in which the protection finding was made has been quashed or set aside
- Minister or a delegate has made a decision under subsection 197D(2) of the Migration Act that the non-citizen is no longer a person in respect of whom any protection finding within the meaning of subsections 197C(4), (5), (6) or (7) would be made (and merits review of this decision is complete)
- Non-citizen requests, in writing, voluntary removal to that country.

For PV decisions made before the introduction of section 36A and the amendments to section 197C, a protection finding may still have been made.

The CIOR Act's changes do not diminish a Removal Officer's broader duty to seek to remove these UNCs from Australia, (i.e. to a third country).

Removal Officers must:

- Familiarise themselves with the amended section 197C, in particular when a protection finding is made for a non-citizen such that they are not required or authorised to be removed to a particular country
- Review all cases with a removals service in the CCMD portal and identify those where there is a protection finding in respect of the unlawful non-citizen's country of nationality, former habitual residence or any other relevant country (such that they cannot be removed there)
- Identify and explore any third country removal options that may be available for those unlawful non-citizens
- Clearly document in departmental systems, all steps taken with respect to identifying or exploring third country options.

Urgently refer a removee to the Protection Visa Helpdesk via [S. 22\(1\)\(a\)\(ii\)](#) @homeaffairs.gov.au, if that person:

- Appears to have been found to engage *non-refoulement* obligations but is not the subject of a protection finding as defined in section 197C of the Migration Act, (e.g. because they have been found to engage *non-refoulement* findings through an International Treaties Obligations Assessment ('ITOA') or other non-statutory process)
- Have never had *non-refoulement* obligations assessed but there is reason to believe they may be engaged.

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Unless a person has an existing right to enter and reside in a third country, or has significant ties there, it can be very difficult, if not impossible, to effect a removal to that or another country.

Removal Officers are only required to take reasonable steps to effect a removal. All steps taken in this regard must be clearly documented in the case notes for the non-citizen's Removal service in CCMD. If no potential leads are identified, that must also be recorded in departmental systems. The case must remain under regular monthly review, or by exception where new information comes to hand, to determine if any circumstances have changed. These reviews must be clearly documented in the Removal service of the CCMD portal. All removees in this circumstance must be referred for NZYQ assessment. See the ['Reasonably practicable'](#) section for details about the NZYQ referral process.

Subsection 197D(2) of the Migration Act provides a mechanism to determine whether a non-citizen who has previously had a protection finding made in the course of considering a PV application in relation to a particular country, would no longer have any protection finding made within the meaning of subsection 197C(4), (5), (6) or (7) of the Migration Act. This is necessary because subsection 197C(3) of the Migration Act would otherwise permanently prevent the involuntary removal of that person to that country, even if the situation in that country had improved or the UNC's circumstances had changed, so that a *non-refoulement* obligation was no longer engaged.

Where there has been a decision under subsection 197D(2) of the Migration Act that an UNC is no longer a person in respect of whom any protection finding would be made, removal is **not authorised** until the decision is complete in accordance with subsection 197D(6) of the Migration Act:

- UNC does not make an application for merits review within the prescribed timeframe
- UNC sought merits review by the ART within the prescribed timeframe, but withdrew their review application
- Decision is affirmed by the ART.

Where a Removals Officer identifies that a case being considered for involuntary removal may be affected by sections 197C or 197D of the Migration Act, they should refer to the [Guidance on decisions under section 197D - PI \(VM-7005\)](#) for advice about referral.

Where an UNC on a removal pathway raises protection claims in relation to country of intended removal but has not had the opportunity to have those claims considered through a PV process, the UNC must be given the opportunity to lodge a PV application. This includes informing the UNC that either the PV process (for persons not subject to statutory application bars) or MI process (for persons subject to statutory application bars) are the appropriate way in which to raise their protection claims for assessment. For cases where an UNC is barred from lodging an application, this may require the Department to progress a submission to the Minister seeking their view on whether the statutory bar should be lifted to allow a PV application to be made. As noted above, these cases must be referred urgently to [S. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](#) for consideration and progressing their claims. Until the UNC lodges a visa application, an MI request is initiated or the UNC is released from detention following an NZYQ assessment, planning for removal must continue, noting the limitations in 'Sur place protection claims' below.

4.6.2 *Sur place* protection claims

Contact with foreign missions or foreign government officials regarding the removee may give rise to new protection claims. Referred to as *sur place* claims, these claims can arise if information is given that, for example, the person has sought protection in Australia or has a criminal record in Australia. Refer to the [Removal from Australia - PI \(BC-7202\)](#) and the [Removal from Australia - Planning and Logistics - SOP \(BC-7204\)](#).

If the person is undergoing an assessment of protection claims (including an International Treaty Obligations Assessment (ITOA) or subsection 197D(2) assessment process), Removal Officers must not progress elements of removal planning that involve contact with foreign missions or authorities (e.g. to seek travel documents) of the country in relation to which the person has made protection claims. Officers may proceed with other removal planning requirements that do not involve contact with foreign missions. In cases where

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protection assessments have been finalised, Removal Officers must limit disclosure of the person's circumstances to the minimum necessary to effect the removal, and should avoid disclosing that the person had sought protection in Australia.

All ITOAs, referrals, and queries should be referred to s. 22(1)(a)(ii) @homeaffairs.gov.au. Any policy related questions should be referred to the PV Helpdesk via s. 22(1)(a)(ii) @homeaffairs.gov.au.

4.6.3 Family law matters

4.6.3.1. Federal Circuit and Family Court (Division 1) directions

A direction from the Family Court that an UNC has access to a child in Australia does not override the Department's obligation to remove the UNC pursuant to section 198 of the Migration Act, however may be relevant to the consideration of whether removal is in the best interests of the child. In these cases, removal should generally proceed because under subsection 153(2) of the Migration Act only High Court, Federal Court and Federal Circuit and Family Court (Division 2) (formerly the Federal Circuit Court) orders prevent the removal of a non-citizen.

In all cases involving issues pertaining to parental responsibility, legal guardianship, or unaccompanied minors, officers must consult Migration and Citizenship Litigation Branch via s. 22(1)(a)(ii) @homeaffairs.gov.au and Child Wellbeing Strategy and Capability Section via s. 22(1)(a)(ii) @homeaffairs.gov.au before removal can proceed. Where issues of best interests of the child considerations (under Article 3 of the CRC) arise, ILPOS should be engaged following consultation with Child Wellbeing and Ministerial Intervention.

Removal Officers planning the removal of persons who have family members in Australia, particularly those with unfinalised matters in the Family Court, must be mindful of the stresses this may place on the person and the implications for the removal process. Officers overseeing the case of a person who has family members remaining in Australia should also be aware the Department has a discretionary ability to fund the departure of citizen and lawful non-citizen partners or dependants if a request is made. For further information, refer to the [Removal from Australia - Planning and Logistics - SOP \(BC-7204\)](#).

4.6.3.2. International obligations in relation to families and children

Officers have a duty under section 198 of the Migration Act to remove an UNC from Australia as soon as reasonably practicable; this may include individuals within family units or who have relationships with minor children in Australia. The Department's policies are intended to ensure that issues relating to family unity and the best interests of children have been considered prior to the person becoming available for removal, including through consideration of MI options. There may be circumstances in which relevant considerations have not occurred or have not occurred relatively close to removal, such that further consideration is required. For further information on removal planning involving families and children, refer to:

- [Removal from Australia - Planning and Logistics - SOP \(BC-7204\)](#)
- [Best Interests of the Child - PS \(DM-5721\)](#)
- [Removal of unaccompanied non-citizen minors from Australia - PS \(SM-5038\)](#)

4.6.3.3. Court orders from overseas jurisdictions

Generally, overseas court orders on family law matters have no force or effect in Australia. However, Australia has arrangements with some countries to register court orders made overseas so that they are enforceable in Australia. Before acting on a court order issued by an overseas jurisdiction, Removal Officers must email the Migration and Citizenship Law Section via s. 22(1)(a)(ii) @homeaffairs.gov.au for advice.

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4.6.4 Criminal justice

Officers who are aware of any legal proceedings that may require the person to remain in Australia for the purposes of the administration of criminal justice (which means an investigation to find out whether an offence has been committed, or the prosecution of a person for an offence, or the punishment by way of imprisonment of a person for the commission of an offence), must engage with the relevant LEA to confirm their intention to:

- Progress the criminal matter
- Issue (or seek) a CJSC (sections 147 or 148 of the Migration Act)
- Confirm that the detainee is not required in Australia for the administration of criminal justice.

In cases where the LEA indicates an ongoing interest in the person, a Removal Officer must consult with the Criminal Justice Program (CJP) team via [s. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au) before proceeding with the removal.

Removal Officers are advised to follow the *CJSC- Request for removal process* (ADD2019/5115387) when progressing removal planning for the following three immigration detention cohorts:

- Cohort 1 - Defendant - No CJSC in effect
- Cohort 2 - Defendant - CJSC in effect
- Cohort 3 - Witness.

A CJSC in effect does not prevent the voluntary removal of an UNC, however it does prevent the involuntary removal of an UNC. If the UNC becomes subject to a CJSC, has signed a request for removal in accordance with subsection 198(1) of the Migration Act, and now wish to withdraw their request, a Removal Officer is to provide the [Withdrawal of request for removal from Australia of persons subject to a criminal justice stay certificate](#) (ADD2019/1630865) to the UNC for completion. If the UNC does not withdraw their request, removal planning continues with the Removal Officer providing updates to the CJP team. The CJP team will consider the grant of a Criminal Justice Stay visa (CJSV) or an alternative management strategy to ensure the administration of criminal justice can occur.

For details on managing requests for removal from UNC's in immigration detention with or without a CJSC, refer to the:

- [Communication Guide: \(detainees subject to a Criminal Justice Stay Certificate\) Request for voluntary removal](#) (ADD2019/5653258)
- [DCI Parts A and C](#) (ADF2020/45699)
- [CJC Written message to detainee](#) (ADD2018/2001832)
- [Criminal Justice Stay Certificates - Request for Removal Process](#) (ADD2019/5115387)
- [Request for Removal Process Diagram](#) (ADD2019/5267904).

Note: Subsection 151(1) of the Migration Act provides that the Migration Act does not prevent a court from issuing a warrant to stay the removal or deportation of an UNC (a Criminal Justice Stay Warrant) for the purposes of the administration of criminal justice in relation to an offence against the law. This provision does not itself confer on a court the power to issue such a warrant. The onus is on the prosecuting authority to identify a source of power for the relevant court to issue a Criminal Justice Stay Warrant in respect of an UNC.

Subsection 151(2) of the Migration Act provides that if a Criminal Justice Stay Warrant for a non-citizen is in force, the non-citizen is not to be removed or deported.

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4.6.5 Unfinalised Ministerial Intervention requests

Although an unfinalised MI request is not necessarily an impediment to removal, it may cause substantial delay of a removal. It is departmental policy that a person with an unfinalised MI request must **not be removed** without consultation through the relevant MI team under the:

- Assistant Secretary, Humanitarian Program Operations (sections 46A, 48B, 91L requests), via the International Obligations section [s. 22\(1\)\(a\)\(ii\)](#) [@homeaffairs.gov.au](#)
- Assistant Secretary, Status Resolution (sections 195A, 197AB, 197AD, 351, 417 and 501J requests), via the Status Resolution MI section [s. 22\(1\)\(a\)\(ii\)](#) [@homeaffairs.gov.au](#).
- Removal Officers should also alert the relevant Status Resolution case officer
- Relevant Removals Chief Superintendent or Commander (section 198AE). An exemption must be obtained pre-removal. For guidance, refer to the [Removal from Australia - Guides - SM \(BC-7205\)](#).

For the purposes of section 198 of the Migration Act, it is irrelevant whether the Minister has been requested to exercise, or consider exercising, a MI power in relation to an UNC (subsection 197E(1) of the Migration Act refers). This applies whether or not a request has been drawn to the Minister's attention (subsection 197E(4) of the Migration Act refers), however there is a positive duty to bring MI requests to the personal attention of the Minister following the High Court's decision in *Davis* and *DCM20*.

Removal Officers should continue to arrange the removal during the course of a MI assessment. Subsection 197E(5) of the Migration Act prevents the removal of an UNC during the period covered by subsection (6) of the Migration Act (duty to remove temporarily suspended if Minister decides to consider whether to exercise MI power), but does not prevent any other action being taken, or thing being done, during that period to facilitate or otherwise prepare for the eventual removal of the non-citizen after the period ends. For example, the Minister could give the UNC a removal pathway direction under section 199C of the Migration Act during the period covered by subsection (6) (subsection 197E(10) refers).

Despite this, a Removal Officer is required and authorised to remove an UNC who makes a request for removal in accordance with subsection 198(1) (subsection 197E(11) refers) of the Migration Act.

Effective communication between SROs, Removal Officers and MI teams is vital to ensure planned removal dates are not unnecessarily delayed, periods in detention are minimised and any repeat requests are dealt with in a timely manner.

For guidance on liaising with foreign government officials to obtain travel documents while MI requests are unfinalised, refer to the [Removal from Australia - Planning and Logistics - SOP \(BC-7204\)](#).

4.6.6 Person's health prevents removal

If the Detention Health Services Provider (DHSP) has undertaken a Fitness To Travel Assessment (FTTA) and has advised that the person is not fit for travel, provided a reason(s) why and outlined plans to treat the identified health issue(s) preventing fitness to travel, the person's removal is to be delayed until the issue/s are resolved and the Department and the DHSP review the removee's medical situation. The removal will continue when the DHSP assesses the removee as fit to travel.

Note: *Detention Health Operations or Removal Operations may seek a clinical review from the Clinical Advisory Team or Chief Medical Officer if there are any concerns about the FTTA assessment. For example, where a person is deemed unfit to travel, not because they cannot travel safely but because of concerns about the arrangements for treatment upon arrival in their country of origin.*

For further information, refer to:

- [Detention Health: Fitness to Travel Assessment - PI \(DM-5028\)](#)
- [Detention Health: Health Discharge Assessments - PI \(DM-5261\)](#)
- [Removal from Australia - Planning and Logistics - SOP \(BC-7204\)](#).

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4.6.7 External scrutiny body complaints

Prior to a removal, Removal Officers must check departmental systems (e.g. the client of interest notes in ICSE, Client Search Portal and the detainee's file) for evidence of unfinalised substantial claims or complaints made by external human rights and government oversight bodies such as the Commonwealth Ombudsman's Office, Australian Human Rights Commission and the United Nations High Commissioner for Refugees. Unfinalised third party claims and complaints do not include routine objections to a removal raised by the removee's family, friends or legal representatives. If in doubt, or if there is information to suggest there is an outstanding external scrutiny body complaint, officers should contact the External Scrutiny team via s. 22(1)(a)(ii) @homeaffairs.gov.au informing them of the removal date.

The existence of unresolved complaints should not stop or delay removal. Removal in these circumstances can only be prevented through a court injunction. Refer to the [Removal from Australia - Planning and Logistics - SOP \(BC-7204\)](#).

Any questions or concerns raised by the relevant external bodies in relation to removal should be managed through the External Scrutiny team.

4.6.8 United Nations IMR

When a complaint is made to the United Nations Human Rights Council (UNHRC), or the United Nations Committee Against Torture (UNCAT), the relevant UN Committee may issue Australia with an IMR.

An IMR is a request to take, or refrain from taking, certain action, until the UN Committee can consider and give its views on the person's complaint. IMRs can be issued on a number of different grounds including in relation to a person's removal from Australia, a person's ongoing placement in immigration detention or the medical treatment a person is receiving.

If the IMR does not relate to the person's removal from Australia it may not present a barrier to their removal. Officers can contact the UN Complaints and IMR team via s. 22(1)(a)(ii) @homeaffairs.gov.au for advice on whether an IMR relates to removal and/or may present a barrier to removal.

IMRs require Removals Officers to undertake early and close consultation with Status Resolution and Protection Caseload Resolution to manage potential issues and consider alternative management options.

4.6.9 Requests to prevent removal

If a complaint is made to a UN Committee and an IMR is issued requesting that Australia refrain from removing the person, removal arrangements can still be considered in parallel to the IMR, while the IMR is considered by the Department and a determination made by the Minister as to whether the IMR is warranted or unwarranted.

Although a UN agency, a complaint made by the United Nations Human Rights Council (UNHRC) is not normally a barrier to removal and does not necessarily involve the issue of an IMR. However, the UNHRC may raise issues that require further consideration, for example through MI processes, and should be referred to the relevant area. Officers should seek further advice from Protection Caseload Resolution via s. 22(1)(a)(ii) @homeaffairs.gov.au.

5. Subclass 070 (Bridging (Removal Pending)) visa (BVR) holders

The Removal Pending Bridging Visa (BVR) enables the release from detention, pending their removal, of detainees who the Minister is satisfied will cooperate with efforts to be removed from Australia but whose removal is currently not reasonably practicable. For the purposes of this SOP, this section does not refer to persons who are part of the NZYQ cohort (who may or may not be BVR holders).

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A BVR does not have an expiry date and can only be ceased when the Minister gives a notice in writing to the visa holder or when the Minister grants another BVR. MI section conducts reviews of BVR holders' circumstances to determine whether their BVR should remain or be ceased, or whether they should be referred for ministerial consideration for a permanent visa.

BVR holders who have had a protection finding made through the PV process are not subject to involuntary removal. A SRO should consult with the MI Section before contacting an BVR holder to ensure that only those who are eligible to be returned/removed are contacted.

The SRO in the relevant state office should facilitate the departure planning relating to BVR holders, note any progress/challenges in obtaining travel documents or other issues associated with facilitating their departure within the Department's corporate systems (e.g. CCMD portal/ICSE/TRIM) and add notes to their record, where appropriate.

It is the Department's policy position that BVR holders leave Australia as lawful non-citizens. A SRO may refer the BVR holder to an approved/authorised agency that can facilitate an immigration outcome for them (e.g. International Organisation for Migration or Homeward).

Condition 8541 provides that during the visa period, the BVR holder must do everything possible to facilitate their removal from Australia and must not obstruct efforts to arrange and effect their removal. If they are uncooperative in this regard, the Minister may cease their BVR at which time they will become liable to be held in immigration detention pending their removal.

Officers must report and record instances of non-cooperation by BVR holders to the MI section via s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:homeaffairs.gov.au). The MI Section reports to senior executive officers regarding the BVR caseload.

6. Removal pathway directions

Subsection 199C(1) of the Migration Act provides the Minister (or delegate) with the power to issue written 'removal pathway direction(s)' to 'removal pathway non-citizen(s)', to do specified things in relation to facilitating their removal. Subsection 199C(2) of the Migration Act provides the power to issue a removal pathway direction to direct a removal pathway non-citizen to do, or not to do, a thing reasonably necessary to:

- Determine whether there is a real prospect of their removal from Australia under section 198 of the Migration Act becoming practicable in the reasonably foreseeable future, or
- Facilitate their removal under that section.

The provisions strengthen the legislative framework in relation to non-citizens who have exhausted all visa pathways to stay in Australia, refuse to leave voluntarily and do not cooperate with lawful efforts to remove them.

Operational Notification ([ON2025-17](#)) also available from the [E&ICOP SharePoint site](#), outlines the process and includes templates for each step to be undertaken by Removal Officers in relation to detainees who are removal pathway non-citizens. Included below are TRIM references to each template:

- Removal pathways directions - [Flowchart for removal officers](#) (ADD2025/4277578)
- Information sheet - [Information about removal pathway directions and request for voluntary action to facilitate removal](#) (ADD2025/4277621)
- Warning notice - [Warning - Notice of intention to consider issuing a removal pathway direction\(s\)](#) (ADD2025/4277633)
- Delegate submission - [Removal pathway direction\(s\) submission and delegate decision record](#) (ADD2025/4277668)

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- Direction notice - [Notice of Removal Pathway Direction\(s\)](#) (ADD2025/4277695)
- Revocation of direction - [Notice of revocation of a removal pathway direction](#) (ADD2025/4277739)
- Non-revocation notice - [Notice of non-revocation of a removal pathway direction](#) (ADD2025/4277758)
- Report of crime referral - [Report of crime referral - Non-compliance with a removal pathway direction](#) (ADD2025/4277778).

7. Accountabilities and responsibilities

Position/Role	Description
Removal Officer	Responsible for: • Identifying the need for additions or amendments to this PI and submitting the details to the Enforcement and Immigration Compliance Operational Policy Section • Ensuring draft versions of this PI are reviewed and solution focussed feedback is provided within the specified timeframes • Complying with the instructions outlined in this SOP.
All Superintendents with Removals responsibilities (including, but not limited to Removal Operations, Regional Removals, Detention and Removals Capability, Enforcement and Immigration Compliance Management)	Responsible for: • Provision of advice on capability, operational and environmental changes to inform policy and procedures, including the Removals Communities of Practice • Provision of advice and relevant attendance of subject matter experts at stakeholder consultation workshops • Identifying additional stakeholders that should be consulted • Ensuring draft versions of this PI are reviewed and solution focussed feedback is provided within the specified timeframes • Ensuring all responsible Commanders and Chief Superintendents are informed of updates and changes to operational policy.
Removal Liaison Officer (RLO)	Responsible for: • Accompanying an escort party and liaising with a range of internal and external stakeholders (including airline, airport and foreign government officials) during a complex or sensitive removal of an UNC.
Status Resolution Officer (SRO)	Responsible for: • Delivering targeted services to people seeking to resolve their immigration status while in the community or held detention. SROs contribute to the integrity of Australia's migration program by facilitating immigration outcomes for non-citizens, in a timely and lawful manner, while managing risk to the community.

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Position/Role	Description
Superintendent: Enforcement and Immigration Compliance Operational Policy Section (Document owner)	Responsible for: - Directing regular evaluation of the document to ensure that it achieves the intended purpose - Determining whether the document requires editing or retirement - Monitoring change and amendments to legislation or other legal requirements, policy, business operations or risk profiles that may affect document content - Endorsing/approving Standard Operating Procedures.
Removals Operational Policy Team Enforcement and Immigration Compliance Operational Policy Section (Document drafter)	Responsible for: - Drafting documents in compliance with the Policy and Procedure Control Framework (PPCF) - Undertaking stakeholder consultation - Updating key requirements of the policy or procedure, when required.

8. Version control

Version number	Date of issue	Author(s)	Brief description of change
1	08/08/2025	Enforcement and Immigration Compliance Operational Policy	Document created using content taken from: - BE-5497 Removal from Australia- Information disclosure to facilitate removal - BE-5492 Removal from Australia- Establishing knowledge a person is an UNC for the purpose of removal - BE-5505 Removal from Australia- Removal of minors and families - BE-5495 Removal from Australia- Impediments to removal - BE-5508 Removal from Australia- Voluntary removal

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Attachment A – Definitions

Term	Acronym (if applicable)	Definition
Administrative Review Tribunal	ART	ART conducts independent merits review of administrative decisions made under Commonwealth laws.
Compliance Case Management and Detention Portal	CCMD portal	Departmental record keeping system used to record and manage visa compliance, status resolution, detainee data and departmental decisions.
Content Manager	TRIM	TRIM is the Department's Electronic Document and Record Management System that provides the framework and functionality to capture, manage and share critical business information. TRIM includes a classification scheme and retention and disposal authorities to assist with managing the lifecycle of departmental information.
Criminal Justice Stay Certificate	CJSC	A CJSC issued under sections 147 or 148 of the Migration Act is a short-term measure to stay involuntary removal action for the administration of criminal justice. Immigration detention is lawful while a Criminal Justice Visa (CJV) is considered. A CJSC holder in immigration detention, who requests removal from Australia, must have their removal planning progressed as soon as reasonably practicable. To stay removal, alternative management strategies must be put in place by the relevant LEA. The CJSC does not render the non-citizen lawful, as it is not a visa, and the CJSC does not limit any power under the Migration Act to detain the non-citizen (section 152 of the Migration Act).
Criminal Justice visa	CJV	A CJV is a temporary visa granted to allow the entry or stay of a person required for the administration of criminal justice. A CJSC or Criminal Justice Stay Warrant (CJSW) must be in force before the Minister, or their delegate, can consider whether to grant a CJV (section 157 of the Migration Act).
Finally Determined		For the purpose of exercising removal powers under section 198, an application is 'finally determined' in accordance with section 11A of the Migration Act, and where removal is authorised by taking into account sections 197C and 197D of the Migration Act.
Fitness to Travel Assessment	FTTA	The FTTA is an assessment by a health professional which allows a determination that a person is clinically cleared to travel, primarily on an aircraft (commercial or charter) without support.

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Term	Acronym (if applicable)	Definition
Immigration detention		Defined in section 5 of the Migration Act, immigration detention means: (a) <i>being in the company of, and restrained by:</i> (i) <i>an officer; or</i> (ii) <i>in relation to a particular detainee –another person directed by the Secretary or Australian Border Force Commissioner to accompany and restrain the detainee; or</i> (b) <i>being held by, or on behalf of, an officer:</i> (i) <i>in a detention centre established under the Migration Act; or</i> (ii) <i>in a prison or remand centre of the Commonwealth, a State or a Territory; or</i> (iii) <i>in a police station or watch house; or</i> (iv) <i>in relation to a non-citizen who is prevented, under section 249, from leaving a vessel – on that vessel; or</i> (v) <i>in another place approved by the Minister in writing</i> <i>but does not include being restrained as described in subsection 245F(8A), or being dealt with under paragraph 245F(9)(b) of the Migration Act.</i> Note 1: Subsection 198AD(11) provides that being dealt with under subsection 198AD(3) does not amount to immigration detention. Note 2: This definition extends to persons covered by residence determinations (see section 197AC).
Informed Request for Removal Statement	IRRS	The purpose of the IRRS is to ensure that, if Australia's <i>non-refoulement</i> obligations may be engaged, the person is made aware of this in order to make an informed decision whether to return to their home country. While individuals are assumed to understand their own circumstances when deciding whether to ask to be removed, it is nonetheless important that the Department shows due diligence by informing the person of information the Department has in relation to risks that person may face on return about which the person could be unaware.
Integrated Client Services Environment	ICSE	The Integrated Client Services Environment (ICSE) is the departmental legacy system for visa management.
Interim Measures Request	IMR	When a complaint is made to a United Nations (UN) Committee, the UN Committee may issue Australia with an IMR.

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Term	Acronym (if applicable)	Definition
		An IMR is a request to take measures (including not to do a thing) to preserve the <i>status quo</i> or prevent further harm. Relevant to removals, this may include that the person not be removed until the UN Committee can hear and give its views on the person's complaint.
Involuntary escorted		Non-citizens who have not requested in writing to be removed from Australia and who require a security escort under <i>Aviation Transport Security Regulations (2005)</i> (ATSR) and/or require medical, liaison or welfare escorts.
Involuntary unescorted		Non-citizens who have not requested in writing to be removed from Australia, are low-risk and do not require a security escort under the ATSR and/or medical, liaison or welfare escorts.
Mandatory Control Point	MCP	Part of the Status Resolution System Control Framework consisting of a number of identified decision points in the compliance pathway. The decision points represent a significant level of risk to decision makers, non-citizens, detainees, the Department and other stakeholders. Removal Officers complete MCPs 10 and 12.
Ministerial Intervention	MI	The Minister has non-delegable, non-compellable powers under several sections of the Migration Act to intervene in individual cases if the Minister thinks it is in the public interest to do so. What is and what is not in the public interest is for the Minister to decide. The relevant post-review sections of the Migration Act are: - Sections 351, 417 and 501J The Minister also has personal powers to: - Lift an application bar to allow a person who has had a PV refused or cancelled to make another PV application onshore (section 48B) - Grant a visa to a person who is in immigration detention (section 195A) - Determine in writing that the section 198AD power to transfer an unauthorised maritime arrival to a regional processing country does not apply to a person (section 198AE).
Operational Departure Plan	ODP	The ODP is the key tool for describing how an escorted removal will be executed and resourced, and includes all other logistical, communication and contact matters. An ODP

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Term	Acronym (if applicable)	Definition
		is required for all escorted removals where an ABF Operational Order has not been developed.
Rapid removal		Rapid Removal or removal stream is engaged if the non-citizen meets the following criteria: • They are an adult, and • They are a voluntary removal, and • There are no doubts as to their lawful status, and • They have no matters before the Department, tribunals or courts, and • There are no doubts as to either their identity (or their identity is likely to be established within 21 days), and • They have a valid travel document in place or may be able to obtain one within 21 days to facilitate their removal, and • They have no known (and have not indicated any) health or medical reasons preventing their removal, and • any criminal justice impediment to removal (e.g. a Criminal Justice Certificate, Warrant or Visa), is likely to be resolved within 21 days.
Removal Availability Assessment	RAA	The key tool to determine whether a person is liable and available for removal and documents other administrative removal requirements. The RAA prompts the assessing officer to consider both legislative and policy issues related to removal through a series of factual and procedural questions. The RAA is MCP10.
Removal of Interest Brief	ROIB	A ROIB is a reporting product owned by a Removal Officer to generate in the CCMD portal for advice to a range of stakeholders to manage operational and other risks. It contains information from various stakeholders involved with removal planning (e.g. SROs, field operation officers and litigation).
Removal Officer		A departmental officer who is responsible for planning and coordinating the removal of UNCs.
Removee		Defined in section 5 of the Migration Act, a removee is <i>an unlawful non-citizen removed, or to be removed, under Division 8 of Part 2 of the Migration Act.</i>
Subclass 070 (Bridging (Removal Pending) visa	BVR	A temporary visa granted by the Department to a person in immigration detention with the condition that he/she must do everything possible to facilitate their removal from Australia

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Term	Acronym (if applicable)	Definition
		and must not attempt to obstruct efforts to arrange and effect their removal.
<i>Sur Place</i> claims		A person who is not a refugee on departure from their country of nationality or former habitual residence, but becomes a refugee later, is called a refugee '<i>sur place</i>'. <i>Sur place</i> claims refer to claims that arise after the person has left their country of nationality or former habitual residence. These claims may arise due to events in the country of nationality or former habitual residence (e.g. a significant change in political circumstances), or because of his or her actions outside that country (e.g. religious conversion while in Australia or taking part in activities that may lead to persecution for reasons of political opinion). In some cases, the very act of applying for a PV may give rise to a <i>sur place</i> claim. Article 1A of the Refugee Convention only requires that a refugee be outside their country of origin when claiming a well-founded fear of persecution. There is no requirement that a person left their country of origin with that well-founded fear. For example, a person may legitimately come to Australia as a student or visitor and become a refugee after arrival because of events in their country of origin.
Unaccompanied minor	UAM	UAM has no definition in migration-related legislation. For the purpose of the Child Safeguarding Framework (BE-916) , it is defined as a person under 18 years of age who arrives in Australia without being in the charge of, or for the purpose of being cared for by, a parent or legal guardian recognised under Australian law.
Unauthorised Maritime Arrival	UMA	Defined in section 5AA of the Migration Act, a UMA is a person who entered Australia by sea: - at an excised offshore place at any time after the excision time for that place; or - at any other place at any time on or after the 1 June 2013 commencement of the <i>Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Act 2013</i>; and - became an unlawful non-citizen because of that entry and is not an excluded maritime arrival.

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Term	Acronym (if applicable)	Definition
		The term also includes a child born in Australia or in an RPC to a parent who is an UMA, unless the child is an Australian citizen at the time of birth. The term UMA replaced the term offshore entry person (OEP).
Unlawful Non-Citizen	UNC	A non-citizen in the migration zone who is not a lawful non-citizen (refer to section 14 of the Migration Act). A lawful non-citizen is a non-citizen in the migration zone who holds a visa that is in effect. A person may be an unlawful non-citizen if they entered Australia without being immigration cleared (e.g. without a visa) or entered lawfully on a visa that has either subsequently ceased and has not been replaced with another visa or has been cancelled since the person entered Australia.
Voluntary escorted		Non-citizens who have requested in writing to be removed from Australia (Request for removal) and who require a security escort under ATSR and/or require medical, liaison or welfare escorts.
Voluntary unescorted		Non-citizens who have requested in writing to be removed from Australia (Request for removal) and who do not require any escorts.

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Attachment B – Assurance and Control Matrix

1.1 Powers and Obligations

Note: Staff exercising any powers, delegations or authorisations outlined in this SOP (listed here) must check the latest delegation advice on the Intranet or the relevant instrument in LEGEND to ensure they currently hold the applicable power, delegation or authorisation.

Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
Australia Border Force Act 2015	Section 44	Disclosure to certain bodies and persons	Yes	Authorisation to disclose Immigration and Border Protection information (Authorisation) Australian Border Force (Secretary) Instrument No. 1 of 2018 (ABF (S) No.1 of 2018) (Delegation) Secretary (Department of Home Affairs) Appointment, Authorisation, Delegation and Nomination (ADMIN 23/002) (Delegation)
	Section 45	Disclosure in accordance with agreements		
Migration Act 1958	Section 18	Power to obtain information and documents about unlawful non-citizens	Yes	Australian Border Force (Minister) Delegations and

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Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
				Authorisations 2018 (ABF (M) No. 1 of 2018) Home Affairs Legislation (Minister – Decision-making powers for Immigration Group and National Security and Resilience Group) Delegation and Authorisation 2021 (ADMIN 21/051)
	Subsection 147(1)	Commonwealth criminal justice stay certificate	Yes	ADMIN 21/051
	Section 148	State criminal justice stay certificate	No	n/a
	Section 189	Detention of unlawful non-citizens	No	n/a
	Section 197C	Relevance of Australia's <i>non-refoulement</i> obligations to removal of unlawful non-citizens under section 198	Yes	Home Affairs Legislation (Minister – Decision-making powers for Immigration and Settlement Services Group and Social Cohesion and Citizenship Group) Delegation and Authorisation

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Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
				2021 (ADMIN 21/051) (as amended by Migration Amendment (Minister—Immigration Group Delegations and Authorisations) Instrument 2025 (ADMIN 24/195))
	Section 197D	Decision that protection finding would no longer be made	Yes	ADMIN 51/051 (as amended by ADMIN 24/195)
	Section 198	Removal from Australia of unlawful non-citizens	No	n/a
	Section 198AD	Taking unauthorised maritime arrivals to a regional processing country	No	n/a
	Section 198AE	Ministerial determination that section 198AD does not apply	No	n/a
	Section 250	Detention of suspected offenders	Yes	Australian Border Force (Minister) Delegations and Authorisations 2018 (ABF (M) No. 1 of 2018) Australian Border Force (Secretary) Instrument No. 1 of 2018

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Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
				(ABF (S) No.1 of 2018)

1.2 Controls and Assurance

Related Policy	Best Interests of the Child - PS (DM-5721) Child Safeguarding Framework - PS (BE-916) Freedom of Information - PS (SM-3357) Immigration Compliance and Status Resolution Framework - PS (SM-5122) Records Management - PS (TI-1094) Removal of unaccompanied non-citizen minors from Australia - PS (SM-5038) Status Resolution System Control Framework - PS (BC-763)
Procedures / Supporting Materials	Australian Citizenship Status Assessments for activities being undertaken under the Migration Act 1958 - SOP (VM-5328) Detention Health: Fitness to Travel Assessment - PI (DM-5028) Detention Health: Health Discharge Assessments - PI (DM-5261) Establishing Identity - PI (IIB-6792) Notification requirements - PI (LS-1818) Pre-removal Clearances and Informed Request for Removal Statements - PI (VM-3226) Removal from Australia - Guides - SM (BC-7205) Removal from Australia - PI (BC-7202) Removal from Australia - Planning and Logistics - SOP (BC-7204) s5G - Relationships and family members - best interests of minor children - PI (VM-3057)
Training/Certification or Accreditation	Recommended training available from the learning catalogue in 'Our People' Status Resolution Essentials (COURSE ILT-ROL-SRHD-PI-SREBLK1 and COURSE ILT-PI-ROLE-DIS)
Other required job role requirements	Removals Job Role Profile (ADD2024/3632113)

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Other support mechanisms (e.g. who can provide further assistance in relation to any aspects of this instruction)	Migration and Citizenship Law Section - s. 22(1)(a)(ii) @homeaffairs.gov.au Removal Operations Program Management - s. 22(1)(a)(ii) @abf.gov.au Removals Operational Policy (Connected Services Portal) Removals Operational Policy - s. 22(1)(a)(ii) @abf.gov.au
Escalation arrangements	Migration and Citizenship Law Section - s. 22(1)(a)(ii) @homeaffairs.gov.au Removal Operations Program Management - s. 22(1)(a)(ii) @abf.gov.au Removals Operational Policy - s. 22(1)(a)(ii) @abf.gov.au
Recordkeeping (e.g. system based facilities to record decisions)	Compliance, Case Management and Detention (CCMD) Portal Content Manager (TRIM) Integrated Client Service Environment (ICSE) Official Diaries and Notebooks - PI (BE-2978)
Program or Framework (i.e. overarching Policy Framework or Business Program)	Immigration Compliance and Status Resolution Framework - PS (SM-5122) Status Resolution System Control Framework - PS (BC-763) Status Resolution System Control Framework - Mandatory Control Points - SM (BC-6186)
Job Family Framework Role	Removals - Job Role Code 30000498

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Attachment C – Consultation

1.1 Internal Consultation

The following internal stakeholders were consulted in the development of this SOP:

- ABF Charters Team
- ABF College
- ABF International
- ABF Risk and Assurance Section
- ABF Work Health and Safety Section
- All staff consultation in accordance with Section 10 of the Enterprise Agreement 2024-2027
- Australian Border Operations Centre
- Character and Cancellation Policy Section
- Character and Cancellation Support Section
- Child Wellbeing Strategy and Capability Section
- Citizenship Helpdesk Team
- Complex and Controversial Cases Section
- Complex Identity Advice Section
- Corporate and Case Systems Branch
- Criminal Justice Program Team
- Detention Assurance Reporting Section
- Detention Contracts Section
- Detention Health Operations Section
- Detention Health Policy and Program Support Section
- Detention Management and Planning Section
- Detention Operational Policy Section
- Detention Support and Coordination Section
- Enforcement and Immigration Capability Management Section
- Enforcement and Immigration Operational Policy Section
- External Scrutiny Section
- Finance Division
- Freedom of Information Section
- Global Feedback Unit Team
- Human Trafficking Program Team
- Humanitarian Policy Section
- Immigration Compliance Policy and Intelligence Division

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- Immigration Integrity Operations Section
- Integrity Strategy and Policy Section
- International Obligations and Complex Cases Section
- Legal Group
- Maritime Border Command
- Media and Social Media Section
- Merits Review and Border Visas Policy Section
- Ministerial Correspondence, Submissions, Briefs and PDMS Section
- Ministerial Intervention Section
- National Lead for Removal Operations
- Onshore Health Contracts Section
- Operation Sovereign Borders, Joint Agency Task Force Section
- Operational Safety Capability Section
- Panels Grants and Corporate Contracts (Comcover) Section
- Privacy Section
- Protection Caseload Resolution Section
- Records Management Section
- Regional Processing and Resettlement Policy Section
- Removal Operations Branch
- Resettlement and Support Programs Section
- Status Resolution Helpdesk Team
- Status Resolution, Operational Coordination Section
- Status Resolution, Returns and Removals Policy Section
- Transport Security Screening Policy Section
- Traveller Operational Policy Team
- Unaccompanied Humanitarian Minors and Guardianship Section

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Removal from Australia - Planning and Logistics

Standard Operating Procedure

Document ID (PPN)	BC-7204
TRIM Record Number	ADD2025/5875897
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Approval Date	26 August 2025
Document Contact	Enforcement and Immigration Compliance Operational Policy Section s. 22(1)(a)(ii) @abf.gov.au

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1. Purpose

The purpose of this Standard Operating Procedure (SOP) is to:

- Provide Removal Officers of the Department of Home Affairs (the Department), including the Australian Border Force (ABF), with instructions for the planning and logistics processes required when progressing the removal of unlawful non-citizens (UNCs) and their dependants under sections 198 and 199 of the *Migration Act 1958* (the Migration Act), and deportation of non-citizens under sections 200 and 205 of the Migration Act, ensuring all removals and deportations are conducted in a nationally consistent and lawful manner, and
- Highlight tools and resources available to Removal Officers.

The [Removal from Australia - Removal Planning and Logistics - SOP \(BC-7204\)](#) is to be read in conjunction with the:

- [Removal from Australia - Procedural Instruction \(PI\) \(BC-7202\)](#)
- [Removal from Australia - Establishing Liability and Availability - SOP \(BC-7203\)](#)
- [Removal from Australia - Guides - Support Material \(SM\) \(BC-7205\)](#).

Note: The term 'detainee' and 'removee' are used interchangeably throughout this SOP and the abovementioned documents. Where possible, the term 'removee' is used for a detainee that has been notified of removal. While a 'removee' is often concurrently a 'detainee', there are exceptions (e.g. Australian citizen dependents of a removee/deportee under sections 199 and 205 of the Migration Act).

2. Scope

2.1 In scope

The information outlined in this SOP applies to Removal Officers who have been engaged to progress the removal or deportation from Australia of non-citizens who:

- Are liable for removal under section 198 of the Migration Act; or
- Are a removee's dependent(s) and subject to removal under section 199 of the Migration Act; or
- Are subject to deportation under section 200 of the Migration Act; or
- Are a deportee's dependent(s) and subject to removal under section 205 of the Migration Act.

For further detail on when a non-citizen becomes available for removal or deportation, refer to the [Removal from Australia - Establishing Liability and Availability - SOP \(BC-7203\)](#).

Note: Deportation and deportees are not routinely referenced in this SOP. Deportation powers are rarely used, therefore processes for deportees must mirror the processes outlined for removees, unless a specific process for deportation has been included in this SOP.

2.2 Out of scope

This SOP does not apply to officers in business areas of the Department other than Removals.

All non-citizens who are not being progressed for removal or deportation are out of scope of this SOP.

For additional details on non-citizens out of scope, refer to the [Removal from Australia - PI \(BC-7202\)](#).

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3. Pre-removal

3.1. Criteria for initiating removal planning

Removal Officers are to begin developing a removal plan when:

- An UNC is detained and placed in the rapid removal stream
- A Compliance Case Management and Detention portal (CCMD portal) referral for an UNC with a 'Returns and Removals' service is accepted by a Removal Officer
- An UNC is in the community and has been identified for location and detention for the purposes of removal (removal planning should occur in collaboration with Field Operations and Status Resolution)
- They become aware of a non-citizen in other circumstances (e.g. lawful non-citizens (LNCs) in criminal detention who may become UNC's and subject to immigration detention/removal on release from criminal custody) who is or may become due to be removed from Australia. Removal Officers should plan the removal with a Status Resolution Officer (SRO) if the non-citizen is streamed to the Status Resolution program.

3.1.1. Receiving a referral for removal

A Removal Officer will begin preparing for a removal either when an UNC requests removal in writing or when an UNC is referred to the removal operations team.

Most referrals will come from either:

- Status Resolution for UNC's who have requested to speak to a Removals Officer as they are wanting to depart Australia voluntarily (voluntary removals), or who make no request to depart Australia and have no ongoing immigration matters (involuntary removals), or
- A detaining Field Operations Officer once an UNC has been detained under section 189 of the Migration Act and streamed into the rapid removal stream.

A referral may also originate from:

- The National Character Consideration Centre, Field Operations, or direct contact from prisons or corrective services for non-citizens serving custodial sentences, or
- Immigration Status Service for UNC's located by the police and determined to be UNC's, or
- Border Clearance Officers for UNC's who were refused immigration clearance at the border, were not returned within 72 hours (summary removal) and are no longer being managed as a summary removal.

Referrals will be submitted through the CCMD portal and emailed to the appropriate regional removal operations team mailbox. A full list of these mailboxes is available on the [Removal Operation Branch](#) SharePoint site. The relevant Removal Officer who oversees referrals will review the referral to ensure the case is eligible, then allocate it to a Removal Officer to commence planning.

The CCMD portal 'Returns and Removals' service should be created and initially assigned to the allocations Removal Officer in the respective region, who will then transfer the service to the allocated Removal Officer. If a removal referral is not accepted in the CCMD portal, a reason must be entered.

Removal Officers are required to update the CCMD portal 'Returns and Removals' service information (including the Work Plans tab), update the Removal Complexity Index (RCI) report and Barrier Codes, and conduct the [Detention Client Interview - Part B](#) (DCI Part B) (ADD2018/2163180) as soon as practicable

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after the referral is received and the case has been allocated. Refer to the [Preparing of the interview](#) part of this SOP.

3.1.2. Engaging with the UNC for removal

With all removal plans, the SRO and/or the Removal Officer should engage with the UNC about the removal requirements under the Migration Act and explain on an ongoing basis that the UNC is on a removal pathway.

Officers should encourage UNC's to leave Australia voluntarily and provide information about the types of assistance the Department can provide to facilitate their departure. It is important to ensure that the UNC provides their free and informed consent to departing Australia voluntarily. It is the Removal Officer's responsibility to make sure that the person who requests voluntary removal provides continued consent to the removal and understands the removal process and its consequences (an interpreter may be required to ensure this).

If the UNC indicates that they do not wish to leave Australia voluntarily, the officer should inform them that the Department will proceed to arrange their removal and discuss the implications with them. When engaging with the UNC, the SRO and/or Removal Officer should ascertain any needs that the UNC may have during the removal process, such as a medical, cultural, travel logistics and reintegration support.

This engagement will assist officers to view the UNC's circumstances holistically, will inform removal planning and the completion of the required pre-removal assessments.

Removal Officers have a range of options to communicate the UNC's circumstances, including:

- Face-to-face interviews – in the detention centre or prison, or in the community at a departmental office
- Telephone interviews/contact
- During the removal itself – travelling to or at the airport, or on board the aircraft (if ABF led escorted removal)
- Written correspondence – email and/or text message to work mobile phone
- Family members, who may sometimes come in to discuss options with ABF staff members (with the UNC's consent)
- Contact with the UNC's authorised representative.

Face-to-face interaction with the UNC will allow the Removal Officer to build a removals-specific relationship. This is useful to understand the UNC's specific circumstance and motivations and assist with removal planning and considerations.

Regular engagement with UNC's with updates on their removal planning will help to keep the UNC informed, reducing possible stress and anxiety for the UNC and their family. Engagement with an UNC can be recorded in the 'client contact tab' in the CCMD portal. It is important to record these interactions as colleagues and other business areas within the Department can reference this when making decisions on the case.

There are some important points to be aware of when making contact with UNC's. Prior to any form of contact with the UNC, it is important that Removal Officers familiarise themselves with the UNC's background and situation from departmental systems, the case file, records and from other departmental staff who have previously met with the UNC. Removal Officers should be able to determine if an interpreter may be needed. On commencement of any interview, Removal Officers should explain what they propose to discuss and ask if the UNC wants to use an interpreter.

Removal Officers should familiarise themselves with the UNC's individual circumstances before engaging to ensure all necessary considerations are made, including:

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- Safety and risk assessment for officer and UNC
- If the UNC requires an interpreter. Refer to the [Removal from Australia - PI \(BC-7202\)](#)
- UNC's removal options and pathway
- Family ties (including minor children)
- If the UNC has a public guardian. For further information about Guardianship appointment refer to the [Detention Services Manual - Minors and guardianship - Guardianship \(Adults\) - PI \(DM-612\)](#).

Removal Officers should liaise with relevant departmental staff, Facilities and Detainee Service Provider (FDSP) and Detention Health Service Provider (DHSP) to determine the best approach prior to meeting with an UNC who has a history of behavioural or mental health issues, or other concerns that may affect the removal process. It is crucial to have a structured approach to support the safety of all individuals, whether in the detention or correctional facility or the community, and to maintain the good order of detention and correctional facilities.

3.1.3. Removal planning interview

3.1.3.1. Preparing for the interview

Removal interviews are conducted to gather information required to progress removal and provide key messages to the UNC about the removal process and the next steps. A removal interview should be conducted within one business day of receiving the referral, and no later than five business days from receiving the referral if operational priorities prevent earlier engagement.

Removal Officers must consider:

- Information from the UNC's file on departmental systems (e.g. identity, immigration history and status, citizenship, indigeneity claims, alias, family and financial matters)
- Criminal history, behavioural concerns, potential risk to the officer and UNC and mitigation strategies. Removal Officers should review prior incidents by reviewing the UNC's Accommodation and Care Detention Service (within the CCMD portal under the 'Incidents' tab) to see any adverse behaviour whilst held in detention
- Language barriers (e.g. is an interpreter required? Refer to the [Removal from Australia - PI \(BC-7202\)](#))
- Whether the UNC is a child (refer to the [Removal of Family and Minors](#) part of this SOP, the [Independent Observer for Interviews Involving Minors – PS \(DM-6506\)](#) and the [Independent Observer for Interviews Involving Minors – PI \(DM-6505\)](#)), the UNC has a child in Australia or care/custody/ significant relationship with a child in Australia
- Where the DHSP has advised of clinically indicated health issues
- Clinically indicated mental/physical capacity of the UNC (and whether a guardian has to be appointed or consulted on the purpose of the interview). If the UNC is a minor under the Immigration Guardianship of Children (IGOC) Act, refer to the [Operation of the IGOC Immigration \(Guardianship of Children\) Act \(IGOC Act\) in the Maritime Environment - SM \(BC-6726\)](#).
- Timeframes for removal
- Barriers to removal. Refer to the [Removal from Australia - Establishing Liability and Availability - SOP \(BC-7203\)](#).

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3.1.3.2. During the interview

The [DCI Part B](#) is the primary interview tool used by Removal Officers to assist with removal planning. Removal Officers should access UNC's data from departmental systems, including applications, completed forms and previous interview records, to check if the questions in [DCI Part B](#) have already been answered. This ensures the Removal Officer is well prepared and aware of the UNC's history. It is best practice to complete the [DCI Part B](#) concurrently with the relevant Citizenship Assessment Tool (attached to the [Australian Citizenship Status Assessments for activities being undertaken under the Migration Act 1958 - SOP \(VM-5328\)](#)) and the [Request for Removal from Australia](#) (RFR) (ADD2016/715287) form. While this interview can be conducted over the phone, it is preferable to conduct it in person whenever possible.

When conducting an interview, it is important the Removal Officers:

- Introduce themselves and their role
- Set the scene and purpose of the interview
- Provide information about the removal pathway and reiterate voluntary removal messages
- Record responses to questions to be later uploaded to departmental systems (to inform future planning and action)
- Explain to the UNC the next steps (i.e. their options; action (if any) they need to take) - ensure the messages are consistent
- Ensure the UNC understands the information provided and ask if they have any questions
- Inform the UNC the best way to contact the Removal Officer.

Intent can be established by questioning the UNC and enquiring as to whether the UNC has lodged or intends to lodge any visa applications; if they have or intend to pursue their review rights; if they plan to seek Ministerial Intervention (MI). The UNC's demeanour and responses can also assist in informing an understanding of their intent. Some UNC's may state outright that they do not want to return to their country of origin and their reasons why, whilst others may not offer much information.

Removal Officers must:

- Confirm the UNC's identity, citizenship and immigration status (including any indigeneity claims), as per information obtained from departmental systems and records
- Discuss the UNC's immigration compliance history and reasons for becoming an unlawful non-citizen
- Discuss the UNC's current immigration pathway and removal planning, making sure not to offer migration advice. Removal Officers should manage expectations on timeframes and ensure the UNC understands any conditions, restrictions/impediments or policies that apply to their case
- Consider the UNC's intentions, repatriation needs and requirement to obtain a travel document (TD), where applicable
- Identify any individual service needs, special provisions or referral needs, including but not limited to:
 - o Are there any clinically indicated health (including both physical and mental health) concerns, adverse psychological effects of trauma or a risk of self-harm?
 - o Are there any indications of observable behaviour (which should be assessed by a clinician)?

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- o Are third country options (TCO) available where UNC's have a right of entry and long-term stay?
- o Is the UNC considered a 'dangerous person' under the [Aviation Transport Security Regulations 2005](#) (ATSR) due to their criminal history?
- o Has the UNC raised protection related claims? If so, is this the first time?
- o How much luggage does the UNC have in their property?
- o Does the UNC have any outstanding criminal, police or court matters in Australia?
- o Is there ongoing MI/ merits review/ judicial review/ complaints?
- o Are there concerns about destitution?
- o Is a guardian required for the UNC?
- Consider submitting a referral to the MI team if the removal will result in the separation of a family unit and may impact the best interests of any children. Removal Officers should obtain relevant information regarding any possible minor dependants where there are indications of risk of harm to a child in Australia.
 - o Concerns about a child's wellbeing, including concerns about risk of harm, neglect or abuse, must be reported in accordance with mandatory reporting protocols. This includes ensuring incidents are reported to the relevant authorities and recorded in the incidents tab within the CCMD portal. If there are any issues of concern, Removal Officers must consult with Child Wellbeing Strategy and Capability section (CWSC) (s. 22(1)(a)(ii) [@homeaffairs.gov.au](#)). For further information about minors, refer to the [Minors and Guardianship - Protection of families and minors - SOP \(DM-3268\)](#), [Incident management and reporting - PI \(DM-616\)](#), [Reporting child-related incidents - PI \(DM-5858\)](#) and the [Removal of Family and Minors](#) part of this SOP.
- Seek to establish a relationship of mutual respect and co-operation which encourages open and ongoing contact
- An UNC may authorise a third party to either act on their behalf or undertake communication in relation to their case. [Form 956A - Appointment or withdrawal of an authorised recipient](#) is to be completed to authorise a person to act or receive information on behalf of the UNC. The same form must be completed if the UNC wishes to terminate the authorisation.

If a Removal Officer encounters an incident or aggressive behaviour from the UNC, appropriate procedures should be followed. Refer to the [Status Resolution Officer – PI \(VM-6363\)](#).

3.1.3.3. Following the interview

Once the interview has been conducted, the Removal Officer must take the following steps:

- Update all required departmental systems
 - o Upload interview documents into the UNC's Removal Operations Content Manager (TRIM) file.
- Update the 'Returns and Removals' service in the CCMD portal
- Complete a Client of Interest (COI) note in the Integrated Client Service Environment (ICSE), if required.

Removal Officer must analyse the information and build a comprehensive picture of the UNC's circumstances (including identifying whether the UNC's accounts are consistent with departmental systems and seeking to resolve any discrepancies), then take reasonable steps to progress removal planning.

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- o If the UNC has an ongoing matter with the Department that is a barrier to their removal proceeding, the case must be promptly referred to the appropriate regional Status Resolution section via email, with details of the ongoing matter. It is important to include the group mailbox of the relevant Immigration Detention Centre (IDC) in this correspondence for their visibility and future planning requirements, and
- o If the barriers cannot be resolved, the UNC's 'Returns and Removals' service in the CCMD portal is to be finalised and the UNC referred back to Status Resolution.

Removal Officers will need to continue engaging with UNC's and regularly review their circumstances to confirm their ongoing liability for removal.

For information on referring cases to Status Resolution, refer to the [Status Resolution Officers - Engagement with and referral to Removals - PI \(VM-5149\)](#).

3.1.3.4. Determining a removal date

Once it is determined that an UNC is liable and available for removal, a planned removal date must be scheduled as soon as reasonably practicable. This limits further time in the IDC, or prevents admission into the IDC if the UNC can be removed Prison to Plane (P2P). Considerations include:

- Ensuring all matters before the Department, tribunals or courts are finalised
- Appropriate approval for the removal to proceed has been obtained where there are ongoing matters
- Flight availability to removal destination and route
- Is the UNC fit to travel?
- Is the UNC considered a 'dangerous person' as defined under the ATSR?
- Escort requirements (Security and/or Health)
- Visa requirements for UNC and escorts (if any)
- Does the UNC have a TD? And if not, what is the process and timeframe to obtain one?
- Comply with relevant MoU's and notification timeframes
- Best interests of a child (BIC)
- Is an Overseas Travel Risk assessment (OTRA) required?
- Does the UNC engage any of the referral criteria under the risk factors for a pre-removal clearance (PRC) or Informed Request for Removal Statement (IRRS)?
- Family ties in the community and country of origin
- Cultural and religious sensitivities
- Post-removal support (PRS) needs
- Number of returnees being removed at any one time
- Ensure travel dates do not fall on significant public holidays.

For UNC's in held detention, Removal Officers are to commence removal planning as soon as the UNC has been streamed into rapid removal and referred to the removal operations team. Removal planning for UNC's in the community should be progressed as far as possible prior to detention, and non-citizens in criminal custody should be progressed as P2P removals if possible.

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3.2. Reporting

The Department removes UNC's from Australia in compliance with the legislative requirement under section 198 of the Migration Act. The Department is subject to scrutiny and responds to requests for information from several sources including the Ombudsman, the Minister's Office and media. The Department captures removal outcomes through various reporting mechanisms.

3.2.1. Executive reporting

3.2.1.1. Escalation for complex cases

Highly complex cases and/or those that have attracted executive interest (for various reasons) can be flagged with the senior leadership group (Removal Operations Chief Superintendent/Commander and above) via the chain of command. In some instances, the senior leadership group may need to be engaged as an escalation point, to assist work through removal barriers.

3.2.1.2. The projected removals list (PRL)

The PRL is a report run out of the CCMD portal. It captures all scheduled removals across the network for the next seven (7) days and is run every day (Monday to Friday). For a removal to be captured in the PRL, all relevant data must be correctly recorded with the 'Returns and Removal' service within the CCMD portal (removal date, flight path, and destination). The PRL notifies relevant stakeholders of upcoming removals, providing opportunity for quality assurance and provides the senior leadership group with visibility on removal activity across the regions.

3.2.1.3. Complex and Sensitive Removals criteria

The 13 week schedule is a live document managed by Removal Operations Program Management team. It provides a matrix of 'Complex and Sensitive Removals' scheduled for the upcoming 13 weeks. When allocated a new case, Removal Officers should assess the UNC against the 'Complex and Sensitive Removals' criteria (ADD2024/102642680), and refer the case to the Removal Operations Program Management team for addition to the 13 week schedule if any of the criteria are met.

Each week, the Removal Operations Program Management team prepare the Complex and Sensitive Removal Operations Report, detailing cases on the 13 week schedule (upcoming three weeks only). The report is disseminated to senior executive officers, various other stakeholders (internal and external) and the Minister's Office.

The 13 week schedule is also used to feed into a number of other reports (daily and weekly), which inform various stakeholders and departmental executive officers.

Additionally, the 13 week schedule contains secondary tabs, which are used to capture removals of specific cohorts that don't necessarily meet the 'Complex and Sensitive Removals' criteria. For example, all removals that fall under the Australia New Zealand Memorandum of Agreement, and other removal cohorts that are of interest to the senior executive officers, are captured in secondary tabs of the 13 week schedule.

New Zealand tab

The Removal Operations Program Management team facilitate the removal notification process of all removals to New Zealand.

The New Zealand tab of the 13 week schedule captures relevant information, including removee name, date of birth, IDC, client identification (CID), removal date, reporting criteria (if applicable), criminality, visa cancellation power, date of detention, and date that removal notification is due to New Zealand Police and Post. This tab is also used to record the date removal notification is provided, documents provided and the flight path.

The Removal Operations Program Management team sends a weekly reminder email to Removal Officers to follow-up any outstanding documents.

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For information on the removal notification process for New Zealand removals, refer to the [Removal Notification Process - New Zealand as at 26 March 2024](#) (ADD2024/1864389).

3.2.1.4. Removal of interest brief (ROIB)

All removal cases that meet the Complex and Sensitive Removal criteria require a ROIB within four weeks of their removal date. The ROIB is generated from the 'Returns and Removal' service within the CCMD portal, and is created and managed by the Removal Officer.

A ROIB is made up from a number of pre-populated fields in the 'Returns and Removal' service, and free text. To ensure the ROIB is completed correctly, all available fields will need to be up to date in the service prior to creating the ROIB. For information on how to generate and write a ROIB, refer to the [CCMD - Removal of Interest Brief - Functional Guide](#) (ADD2022/2761918) and [How to write a ROIB guide](#) (ADD2018/3235900).

A ROIB has a 'review' and 'approval' stage in the CCMD portal. All ROIBs must be locally reviewed and supported by either a Removal Supervisor (APS6) or Inspector (EL1). Once formally approved, it is submitted to Removal Operations Program Management team for inclusion in reporting.

3.2.2. Operational activity and incident reporting

The [Australian Border Force - Event Categorisation and Reporting Framework - PS \(BE-6315\)](#) outlines processes to notify stakeholders (including portfolio Ministers and senior executives) of significant and routine events.

Removal Officers must familiarise themselves with the removal reporting thresholds included in the [Notifiable Event List \(NEL\)](#) (ADD2024/3422951).

3.2.2.1. Operational Planning, Tasking and Incident Coordination System (OPTICS) reporting

OPTICS is used by the ABF to record and report incidents, support operational planning and task management associated with incident response and ABF operations.

Removal operational activity must be entered into OPTICS as a 'Scheduled Activity' at least 24 hours prior to the commencement of the activity. The Superintendent of the relevant removal operations team, or the Superintendent of the Removal Operations Program Management team, will typically be the lead of the operation (OPCOMD) and is responsible for submitting any international removal charter operations into OPTICS as a Planned Activity, preferably one week prior to the commencement of the activity. Once entered, an email or an OPTICS tasking notification advising of the record must be provided to the relevant Regional Coordination Unit (RCU), for quality assurance and dissemination to the Australian Border Operations Centre (ABOC), and inclusion in daily executive reporting.

The [OPTICS Guide for Planned and Scheduled Activities](#) (ADD2023/4283556) and operational notification [ON2023-26 - Mandatory Reporting of Enforcement Activities](#) provide guidance on reporting operational activity within OPTICS and must be followed at all times. These guides explain how information will be handled and disseminated by the RCUs and ABOC.

A range of OPTICS support tools, including how to create Situational Reports (SITREP) or Event Reports (EVREP), are available on the [OPTICS](#) SharePoint site and should be used in conjunction with the above mentioned guide and operational notification.

For assistance with reporting, Removal Officers should contact their local RCU in the first instance. Additionally, the Australian Border Operations Centre (ABOC) can be contacted ([1300 722 191](tel:1300722191)) ([@abf.gov.au](mailto:abf@abf.gov.au)), if required.

3.2.2.2. SITREP reporting

A Situation Report (SITREP) is generated within Planned and Scheduled Activities in OPTICS and may be required if a removal meets the thresholds set out in the [Notifiable Event List \(NEL\)](#) (ADD2024/3422951).

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The Removals Officer is responsible for drafting SITREPs when thresholds are met. The relevant RCU will then undertake quality assurance and dissemination.

3.2.2.3. EVREP reporting

Event Reports (EVREPs) are issued when an unplanned or unexpected incident occurs and is generated with an Incident in OPTICS. The Removals Officer is responsible for drafting any EVREPs where reporting thresholds are met. The relevant RCU will undertake quality assurance and dissemination.

3.2.2.4. Hot issues brief

Hot Issue Briefs (HIBs) are a one-off early notification alerting portfolio Ministers and senior executives to a significant current event, incident or issue. A HIB should be created and disseminated within an hour of an event occurring. HIBs include Talking Points (TPs) which are to be used for engagement with internal and external stakeholders, including media.

Removal Officers may be required to draft or provide input to HIBs and/or TPs where events relate to:

- Removal Officer(s)
- A removal operation
- Removees, or
- Foreign government relations relating to a removal operation.

For further detail on creating a HIB, refer to the [Home Affairs - Hot Issue Brief - SOP \(CG-5437\)](#) or the [Hot Issue Briefs \(HIBs\)](#) intranet page

3.3. Recordkeeping

Good recordkeeping is essential for removals, as the Department's legal officers and the Australian Government Solicitor (AGS) often call upon the removal network to provide evidence in legal matters and compensation claims. The primary record keeping systems used by Removal Officers are:

- The CCMD portal, where all mandatory control point decisions are recorded, and
- TRIM, where all email correspondence and documents relating to a case should be saved.

3.3.1. Compliance, Case Management and Detention (CCMD) portal

The CCMD portal holds information about the management of non-citizens within the broader status resolution system, including information on cancellation, detention, case management and removals.

Removal Officers record all relevant removal details in the CCMD portal. The preferred method is via links to official TRIM records, where appropriate.

The [CCMD](#) SharePoint site provides general guidance on a range of processes and functions within the CCMD portal and includes the [Returns and Removals](#) SharePoint site, which provides removal specific guides and videos for Removal Officers.

Removal Officers are responsible for management of the 'Returns and Removal' services in the CCMD portal, including:

- Opening new services/accepting referral of a removal service
- Transferring of ownership of services
- Closing the removal service once any of the following outcomes have occurred:
 - o Removal of UNC
 - o Granting of a visa

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- o Reinstatement of a visa following successful revocation
- o UNC is no longer liable for removal and is referred back to Status Resolution for ongoing management
- o UNC is remanded into Criminal Custody
- o Death of UNC.

Throughout the stages of removal planning, Removal Officers must continue to update the following removal information within the 'Returns and Removal' service for reporting purposes:

- Status Resolution barriers and TCO flags – refer to the [CCMD Service Indicators Guide - SR Barriers](#) (ADD2018/5936349)
- RCI – refer to the [Removal Complexity Index \(RCI\) and Service Info Guide](#)
- ROIB (if applicable) – refer to the [How to write a ROIB as at March 2021](#)
- The 'Returns and Removal' service summary page, including the 'Planned Departure' and 'Request Removal Outcome' fields.

Removal Officers must complete the following fields/ control points/ processes for all removals:

- Creating the workplan and recording/attaching all relevant supporting documentation
- Recording TD details
- Debt to the Commonwealth including adding 'flags' where required – refer to the [Recording the debt](#) part of this SOP
- The Departmental Aviation Assessment (DAA) – refer to the [Determining if a removal is to be an escorted removal](#) part of this SOP
- Submitting a request for service (RFS) – refer to the [Pre-departure planning](#) part of this SOP
- Mandatory Control Point 10 – Removal Availability Assessment – refer to the [Removal from Australia – Guides - SM \(BC-7205\)](#).

Removal Officers must complete the following fields/ control points/ processes if required:

- Mandatory Control Point 12 – less than 48 hours' notice of removal – refer to the [Providing a detainee with the Notice of Intention to Remove from Australia](#) part of this SOP.

3.3.2. Content Manager (also known as TRIM)

TRIM is the Department's mandated Electronic Document and Records Management System (EDRMS). Removal Officers routinely access TRIM for the purpose of:

- Reviewing removees existing TRIM records
- Creating new folders (OPF or CLF) for removal files
- Uploading removal files as received or created
- Uploading correspondence relating to the removal or removee
- Making references to removal files and uploading them to the CCMD portal.

Removal Officers should adhere to naming conventions when filing removees files. When Removal Officers TRIM a file use the following naming convention: File Title – (TRIM naming convention)

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Example:

SURNAME – First Names – 00/00/0000 – COUNTRY {COUN} – CID – Document name.

Refer to the [Records Management](#) intranet page or the [TRIM help cards](#) for more information.

3.3.3. ICSE

ICSE is one of the programs utilised by the Department to record a multitude of decisions and milestones against persons (non-citizens and Australian citizens), including:

- Visa decisions (grants and cancellations)
- Movements (arrival and departures)
- Aliases, date of birth, contact details
- TDs
- Location, including immigration detention
- Lawful/unlawful status
- COI notes.

Removal Officers access ICSE to obtain information relevant to UNCs that are on a removal pathway, maintaining knowledge that they are liable and available for removal. Removal Officers also use ICSE to record COI notes and update information (e.g. TD details, aliases and contact information).

Refer to the [Visa and Citizenship Vocational Training Pathway Foundation Program](#) SharePoint site for ICSE user guides.

3.3.4. Other departmental systems

Removal Officers may access or record information in various other departmental systems as part of their duties, including:

- Client Search Portal (CSP)
- Identity Services Repository (ISR)
- Immigration Records Information System (IRIS)
- Travel and Immigration Processing System (TRIPS) (also commonly referred to as 'Mainframe')
- Security Referral Service (SRS)
- Central Movement Alert List (CMAL)
- Integrated Management Intelligence System (IMtel)
- National Intelligence System (NIS)
- Parliamentary Document Management System (PDMS).

Removals Officers should review the [Visa and Citizenship Vocational Training Pathway Foundation Program](#) SharePoint site for any available user guides for these systems and/or contact the business owners of the systems for further assistance.

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3.4. Removal location planning

3.4.1. Removal from Immigration Detention Facilities (IDF)

Removal planning should be commenced as soon as practicable once an UNC is streamed into rapid removals. There are a number of administrative tasks that need to be completed to effect a removal:

- Set the removal date, with consideration given to required notification timeframes, case complexities and practicability
- Ascertain if the UNC has a valid TD and its location. If not, apply for one
- Identify possible barriers to a removal operation
- Removal destination, route and stopovers
- International transit and holding room requirements
- Confirm FTTA
- Travel booking arrangements
- Cost approval
- Ascertain if escorts are required (medical/security). If so, obtain the following details from the contracted service provider:
 - o Names of escorts
 - o Number required
 - o Passports
 - o Vaccination information if applicable
 - o Visa information if applicable
 - o Any other information required for the removal operation
- Obtain airline uplift approval
- Complete Removal Availability Assessment (RAA) (also referred to as the MCP10)
- [Operational Departure Plan](#) (ODP) – refer to the [Operational Departure Plan](#) part of this SOP.

Detailed, defensible and auditable planning and organisational processes support a more effective removal, particularly for UNC's being removed involuntarily. When planning a removal from an IDF, Removal Officers must coordinate with the FDSP, the DHSP and other stakeholders involved in the Department's management of the UNC (Status Resolution, Character Case Cancellation, MI, etc).

Removal from an IDF requires structured arrangements as UNC's in this environment are commonly assessed as being a higher risk to community safety and security.

Removal Officers should note that SROs working in held detention may engage with Removal Officers to support the management of their case. Refer to the [Status Resolution Officers - Engagement with and referral to Removals - PI \(VM-5149\)](#).

Each step of removal planning should be well documented to demonstrate cases are progressing to safeguard against indefinite detention. Refer to the [Removal from Australia - Establishing Liability and Availability - SOP \(BC-7203\)](#).

3.4.2. Removal from criminal detention and prison to plane (P2P)

A P2P removal is the process of removing non-citizens from Australia within a 72-hour window following their release from criminal detention. This timeframe accounts for situations where immediate removal is not

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viable (e.g. when there are no available flights or when a transfer is necessary from a remote correctional facility, therefore extending the period up to 72 hours). There are two reporting tiers of a P2P removal:

- Tier one: removal of a non-citizen directly from a correctional facility to an aircraft, without physically being placed within an IDF prior to removal from Australia; and
- Tier two: removal of a non-citizen where departure is delayed for up to 72 hours, following release from a correctional facility, which often includes being physically detained within an IDF in the interim.

For information on how to report prison to plane removals, refer to the [CCMD – Returns and Removals Service – Functional Guide](#) (ADD2014/1019520).

An UNC in criminal detention is subject to the same legislative requirements and removal policy instruction as UNC's located in an IDF or living under a residence determination (community detention). Removal Officers planning a non-citizen's removal from Australia will need to consider the UNC's suitability for P2P removal. The most suitable cases for P2P removal include where the person:

- Is voluntary (i.e. has or intends to sign a [RFR](#) in writing and has provided free and informed consent)
- Is cooperating with removal planning
- Holds a valid TD (or will acquire one)
- Is an UNC and being released from criminal detention
- Does not have complex barriers to removal. Refer to the [Removal from Australia - Establishing Liability and Availability - SOP \(BC-7203\)](#).

3.4.2.1. Involuntary P2P removal

A person who is involuntary to removal may still be considered for a P2P removal. However, planning may be more challenging and contingency planning for immigration detention of greater than 72 hours will need to be considered. It is important to include strategies that mitigate the risk of an aborted removal and admission to an IDF. For example, the notification period for removal can be reduced in certain circumstances. Refer to the [Notification of 48 hours or less \(MCP12\)](#) part of this SOP.

For LNCs who are in criminal detention, it is important to note that their visa status may be impacted by the timeframe associated with a section 195 visa application. In some cases, these LNCs may become UNC's once their visa ceases or is cancelled, at which point they may become subject to removal processes, including P2P removals.

A seven-day period may need to elapse before removal action can proceed. Refer to the [Key considerations for P2P](#) part of this SOP for further guidance. Ensure that any reference to visa cessation is in accordance with section 82 of the Migration Act.

Note: A criminal departure BVE will cease 'by operation of law' when the holder is released from criminal detention and measures to ensure P2P removal is not delayed will be required. If this risk cannot be managed or mitigated, the holder may not be suitable for P2P removal.

An alternative strategy to detaining a non-citizen in an IDF following a period of criminal detention includes visa cancellation with period of concurrent immigration and criminal detention in a State/Territory correctional facility, provided that the relevant State/Territory correctional facility consents to the concurrent detention arrangement.

3.4.2.2. Key considerations for P2P

Consideration of the interaction between the date of release from criminal custody and the non-citizen's current and future immigration status at that time is important when planning notification of removal and/or visa cancellation (Bridging or Criminal Justice Visa (CJV)). A period of seven day's removal notice for all non-citizens is good administrative practice, allowing sufficient time for the non-citizen to prepare or raise any

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concerns about their planned removal. In many cases, a Removal Officer planning a P2P removal will have communicated with the non-citizen for many weeks or months in the lead up to their date of release.

Following visa cancellation and as soon as reasonably practicable after an officer detains a UNC under section 189, the VIN (section 194 notice) is to be provided to them. Under subsection 195(1), the UNC may apply for a visa within two working days after the day on which section 194 was complied with, or, if the UNC has informed the officer (in writing) within these two working days of an intention to apply for a visa, the next five working days after those two working days. Subsection 195(2) provides that a detainee who does not apply for a visa within the time allowed by subsection (1) may not apply for a visa, other than a bridging visa or a protection visa, after that time.

During this period, a P2P removal cannot be effected if the UNC does not request removal in writing (they are involuntary) or is uncooperative with removal planning. Voluntary UNC's will be suitable for P2P removal as long as they remain cooperative with removal planning. If an UNC who is considered for P2P removal may need to be held in an IDF, Removals Officers must seek placement approval with the relevant regional Detention Operations team at the IDC. This approval must be obtained prior to the scheduled removal date to ensure that contingency plans are in place. Removals Officers must communicate any changes in the removal schedule to the Detention Operations team promptly to facilitate timely adjustments to the contingency plans.

Differences in process may also arise because of state or territory criminal justice requirements, timing and location of release from a correctional facility, and the non-citizen's immigration status and future immigration status on release from criminal detention, including whether a Criminal Justice Stay Certificate (CJSC) and/or CJV is in force.

Under section 150 of the Migration Act, a non-citizen who is subject to a CJSC is not to be removed or deported from Australia, however this provision does not prevent voluntary removal pursuant to subsection 198(1) of the Migration Act. Consequently, a non-citizen who is subject to a CJSC can only be removed if they make a request in writing to be removed under subsection 198(1) of the Migration Act. At the time of the removal request, if it is determined that the non-citizen is subject to a CJSC, the Removal Officer must consult with the Criminal Justice Program (CJP) Team which administratively manages the CJV cohort (S. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:homeaffairs.gov.au)), and the relevant law enforcement authority (LEA).

If it is determined that a non-citizen who is subject to a CJSC is no longer required to be present in Australia for the administration of criminal justice, their CJSC may be cancelled. To allow for involuntary removal planning (including P2P) to occur in relation to a non-citizen who is the subject of a CJSC, the CJP Team will ensure the CJSC is cancelled at least seven days prior to a non-citizen's release from criminal detention. If a CJSC is cancelled, any CJV granted to the non-citizen because of the certificate will be cancelled by operation of law, and a record is to be made of the cancellation (section 164 of the Migration Act refers).

If a Removal Officer is planning a P2P removal, as part of the agreed Removal Availability Assessments (RAA) process, they must contact the CJP Team (S. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:homeaffairs.gov.au)) to confirm whether a CJSC is in force and a barrier to removal.

If there is no CJSC in force and there is evidence that the non-citizen may be required for further criminal justice proceedings, but is not of interest to the CJP Team, the Removal Officer is to contact the relevant LEA to ascertain the LEA's ongoing interest in that non-citizen before undertaking further removal planning.

3.4.3. Removal of non-citizens covered by a Residence Determination

A Residence Determination made personally by the Minister under section 197AB of the Migration Act allows a non-citizen who would otherwise be detained in an IDF to reside at a specified place in the community, if the Minister thinks it is in the public interest to do so. The term 'Residence Determination' is used to describe this immigration detention arrangement.

This form of immigration detention does not require the non-citizen to be in the company of an officer or other designated person for the purposes of the Migration Act.

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Officers must carefully plan, coordinate and manage the removal of non-citizens in this cohort on a case-by-case basis. Officers should also refer to the [Status Resolution - Detention Release Requirements - PI \(VM-6935\)](#).

3.4.3.1. Voluntary removal where a Residence Determination is in effect

UNCs covered by a Residence Determination will generally be removed directly from a community residence and will not require a revocation of the Residence Determination by the Minister (as removal will revoke the Residence Determination under subsection 197AC(4) of the Migration Act).

In such a case, the SRO will refer the removee to the state or territory-based removal operations team, which will work with the SRO to organise the removal. The Removal Officer should ensure there is a contingency plan organised with the SRO to cover the potential for an aborted removal, ensuring the Department's ability to return the removee to an existing Residence Determination placement, if required.

3.4.3.2. Involuntary removal where a Residence Determination is in effect

If the non-citizen covered by a Residence Determination is to be removed involuntarily from Australia, they will generally be transferred from their place of residence to an IDF once the Residence Determination has been revoked, in order to manage any security issues.

Removal planning should accommodate provision of both the Notification of Revocation of Residence Determination (made under s 197AD(3) of the Migration Act) and the Notification of Removal at the same time (subject to any identified risks). The Removal Officer will take the lead in managing removal coordination once the Residence Determination has been revoked and the non-citizen taken to an IDF.

If a non-citizen covered by a Residence Determination does not have a valid TD, the Removal Officer should attempt to obtain one before the Residence Determination is revoked.

If a non-citizen covered by a Residence Determination is to be removed involuntarily from Australia and needs to be detained in an IDF prior to removal for security reasons, the Residence Determination will first need to be revoked by the Minister under section 197AD of the Migration Act. Under subsection 197AD(1) of the Migration Act, the Minister may vary or revoke a Residence Determination in any respect, if the Minister thinks that it is in the public interest to do so. A revocation or variation of a Residence Determination must be made by notice in writing to the non-citizen(s) covered by the Determination.

The Status Resolution Support Programs section will retain responsibility for organising the submission to the Minister in relation to the revocation/variation of a Residence Determination in respect of a non-citizen within the Status Resolution Branch. The Removal Officer must complete a ROIB which the Residence Determination program management will attach to the revocation submission for the Minister's consideration.

Note: Under policy, Removal Officers are required to maintain monthly contact with non-citizens, or more frequently if new information emerges, to assess any changes in circumstances for cases involving involuntary removals. This contact can be conducted over the phone or face-to-face during visits with their SRO.

3.4.4. Planning the removal of non-citizens on a removal pathway who are not in detention

Removal Officers can investigate potential options for a non-citizen who is not in immigration detention but is/is expected to be on a removal pathway (e.g. those subject to planned ABF operational activity or currently serving a custodial sentence). Officers must be cautious to avoid progressing a removee along the removal pathway while they hold a valid visa to remain in Australia. For example, if a non-citizen is cooperative and willing to be removed, the Removal Officer should obtain the non-citizen's free and informed consent in writing to ensure that the removal is compliant with subsection 198(1) of the Migration Act and Australia's international obligations, noting the non-citizen cannot be removed while holding a visa. Return assistance is

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available to eligible non-citizens who depart from the community. For further information, refer to the [Return and Reintegration Assistance Program – PI \(BC-827\)](#).

For a Bridging Visa holder who does not have a valid TD and is unwilling to be removed, refer to the Removal pathway directions in the [Removal from Australia - Establishing Liability and Availability - SOP \(BC-7203\)](#). The non-citizen can give permission by signing *Form 956 – Appointment of a registered migration agent, legal practitioner or exempt person*, or a form provided previously may be used if it remains current/active.

Removal Officers should work closely with the SRO, regional field officers and detention operations to progress towards an immigration outcome. Legal advice should be sought from Migration and Citizenship Law Section (MCLS) (^{s. 22(1)(a)(iii)} [@homeaffairs.gov.au](mailto:homeaffairs.gov.au)) if it is unclear whether the non-citizen has consented to apply for a TD required for removal.

Removal Officers are to complete as much pre-departure activity as possible to minimise time in immigration detention. Removal Officers should also note the limitations that are associated with the absence of a removal power (including disclosure of information for the purposes of removal). Refer to the [Removal from Australia - PI \(BC-7202\)](#).

3.5. Travel requirements and logistics

3.5.1. Travel documents

All removees must depart Australia with a valid TD, unless approval is obtained for a removee to depart on another form of documentation. Removees travelling without a TD will need to be considered on a case-by-case basis and may require approval from multiple stakeholders. Removal Officers are responsible for ensuring TDs or other approved documents are available for removees prior to removal.

3.5.1.1. Types of travel documents

The following types of TDs can be used for removal purposes:

- A valid national passport in effect
- A valid Laissez-Passer (LP) in effect
- An Emergency Travel Document (ETD). This is issued where a non-citizen cannot complete all the requirements (other than identity, citizenship and entitlement) for the issue of a full passport, or they can complete all requirements but there is a need to travel urgently earlier than the standard passport-issue turnaround time
- A Certificate of Identity (COI). This is issued by a country to non-citizens residing within their borders. These non-citizens either are stateless persons or are unable to obtain a passport from their state of nationality. Some countries also issue a COI to their citizens as a form of emergency passport or otherwise in lieu of a passport
- Convention Travel Document, also known as a *Titre de Voyage*. This is issued by the Department of Foreign Affairs and Trade to non-citizens recognised as refugees residing in Australia under the 1951 Convention Relating to the Status of Refugees. A removee who holds a Convention Travel Document should obtain and travel on a COI for their removal.

The process of obtaining a TD for removal purposes is called re-documentation. If available, and subject to its validity, the non-citizen's original TD must always be used unless prohibited by the country of issue and the Department or Department of Foreign Affairs and Trade have agreed to the use of another document.

The ability to obtain a TD and timeframe for its issue depends on the:

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- Level of identity documentation a non-citizen or the Department can provide to the relevant foreign mission to confirm nationality (undocumented non-citizens will take longer to have a TD issued than those whose nationality can be easily established)
- Level of cooperation of the removee (removees who refuse to engage with consular staff will invariably take longer to be issued a TD)
- Issuing procedures of the relevant foreign mission (some have complex processes and issuing timeframes) and whether they will accept the involuntary return of a citizen.

Taking into account these three factors, Removal Officers must:

- Engage with the UNC as early as possible to determine their intentions to leave and if they intend to commence further processes (e.g. MI). If so, Officers should encourage the UNC to initiate these early
- Determine whether the UNC has a valid TD and pay particular attention to the expiry date of that document (the expiry date should always be factored in as a key milestone but not at the expense of proper consideration of the issues)
 - If the UNC does not have a valid TD, check departmental systems (e.g. ICSE and Client Search portal) to determine what identity documents are available or were used to travel to Australia.

Removal Officers must scan copies of all identity documents and TDs and place them in approved departmental record keeping systems (e.g. TRIM) in case those documents are later lost or destroyed.

Original TDs are to be retained for the purposes of removal by the Department. Where held by other agencies (including a contracted service provider), must be obtained to assist with status resolution and removal processes under the Migration Act. The TD must be handed back to the UNC upon arrival in their destination country.

For information on the different types of TDs and the Travel Document Framework used for the removal of a non-citizen from Australia, refer to the [Travel Documents - PI \(BC-537\)](#).

Removal Officers must ensure that all information and decisions relating to obtaining TDs for detention cases are recorded and stored on relevant departmental recordkeeping systems, including but not limited to ICSE, TRIM and the CCMD portal or another approved business system.

For information on processes related to abandoned TDs, refer to the [Disposing of Foreign Travel Documents](#) (ADD2024/102802438).

3.5.1.2. When to seek a travel document – person in detention

Removal Officers are to investigate if the non-citizen holds a TD before the non-citizen is detained (although the progress of this investigation does not delay the requirement to detain a person who is known or reasonably suspected to be an UNC under section 189 of the Migration Act). Removal Officers can undertake a thorough investigation of the departmental systems (e.g. ICSE, TRIM and the CCMD portal). Prior knowledge will assist with prompt TD application processing to reduce the UNC's time in detention.

If detention has occurred quickly (that is, as a result of a field operation), Removal Officers should initiate the application for a TD as soon as possible after the non-citizen has been detained unless the removee has a valid TD in their in-trust property or there are ongoing immigration matters. Officers must consider *non-refoulement* obligations and *sur place* protection claims before lodging TD applications with foreign governments. For further information on *non-refoulement* obligations and *sur place* claims, refer to the [Removal from Australia - Establishing Liability and Availability - SOP \(BC-7203\)](#).

Where officers identify circumstances or issues that may give rise to *sur place* claims, further advice can be obtained from Protection Caseload Resolution Section (PCRS) (s. 22(1)(a)(ii) @homeaffairs.gov.au).

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A Field Operations Officer can apply for a section 251 search warrant to locate a detainee's TD in any building, premises, vessel, vehicle or place in which the officer has reasonable cause to believe the TD may be found (subsection 251(6) of the Migration Act refers). Field Operations Officers obtaining a warrant to retrieve a TD can be faster than completing TD applications for some countries. Removals and Field Operations should work together to obtain warrants to locate a detainee's TD wherever practicable. For further information on obtaining warrants, refer to the [Search Warrant Operations under Section 251 of the Migration Act 1958 - SOP \(BE-6742\)](#).

3.5.1.3. Procedures for acquiring travel documents

If Removal Officers do not have a valid TD for a removee, they should consider if it is appropriate to seek one.

Procedures for acquiring a TD will vary depending upon the type of TD being acquired, the country of nationality and individual circumstances of the removee. It is important that officers check TD and transit procedures for specific countries. If unsure of the requirements for certain countries, Removal Officers can seek guidance from the [Travel Document Reference Guides](#) (OBJ2023/3333) or by emailing the Consular Engagement and Liaison Team (CELT) ([s22\(1\)\(a\)\(ii\)@abf.gov.au](mailto:s22(1)(a)(ii)@abf.gov.au)).

Please note that CELT do not hold information on all countries and may redirect enquiries to the appropriate team in the International Division.

Removal Officers are to indicate clearly to the relevant issuing authority that the request is for a TD sufficient to return the non-citizen to the country of nationality or country where they have a right of entry and stay. The issuing country has the right to determine the type of TD to issue the removee depending on their particular circumstances (e.g. an ETD, LP or full passport).

Note: The removee may not choose what type of TD is applied for on their behalf. However, it is important to note that there are certain TDs (e.g. an ETD), where the removee may be required to sign an acknowledgment for it to be issued.

3.5.1.4. Sharing identity documents with foreign governments

Providing identity documents to foreign governments

Subject to the information sharing legislation in the [Removal from Australia - PI \(BC-7202\)](#), it may be acceptable to provide identity documents to foreign governments where the removee is found to not engage Australia's protection obligations. The limited sharing of personal information and identity documents with foreign governments may be necessary to facilitate their removal, with or without consent of the individual concerned. Such cases usually arise when nationality is in question and/or the removee has no national travel or identification documents.

The disclosure of information to foreign governments must go no further than is lawful and necessary to obtain a travel document and to secure the removee's readmission into the country of return.

When unsure, Removal Officers should establish the necessity for disclosure to a foreign government by confirming whether the information disclosure is directly required for the issuance of the travel document, or that the removee's readmission is dependent on that information being provided. This should be confirmed (in writing wherever possible) with the foreign government before any disclosure.

Any information disclosure in the removal process must also be in accordance with [Secretary Instruction 171 Dealing with countries that impose the death penalty](#) available on the Department's intranet page.

Documents issued by a government authority

Before providing a document to a foreign government, Removal Officers must consider whether a government authority has issued the document. Removal Officers should confirm the issuer of the document

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using relevant departmental sources - such as Country Information Service Network (CISNET) (if this information is available), the EDISON TD (Travel Documents) system and their local Document Examination Unit.

Removal Officers should avoid unnecessarily providing documents such as association or other membership cards, except as set out below, refer to the *Documents issued by a government authority* part of this SOP. It is possible that such documents could inadvertently provide information to the foreign government in relation to the removee's political, religious, social or other persuasions.

Identifying a removee to a foreign government as a member of a certain group could potentially lead to *sur place* protection claims from the removee. A removee may engage Australia's protection obligations through *sur place* claims due to the circumstances arising in the country of origin during the removee's absence because of:

- the removee's own actions, such as associating with refugees already recognised or expressing political views in the country of residence and having these actions come to the attention of the authorities of the person's country of origin, or
- the actions of a third party, such as bringing the removee's circumstances to the attention of the authorities of the person's country of origin.

Acceptable types of documents to support identity

Removal Officers should generally provide necessary documentation that will sufficiently identify the person for the purposes of obtaining a travel document and assist the foreign government in the timely processing of the application for a travel document.

Removal Officers are encouraged in the first instance to provide standard or universally recognised identity documents such as:

- expired passports or other expired travel documents
- national identity cards
- driver's licences
- other government issued identity cards (for example, health care or social security cards).

Providing non-national identity cards

If identity documents are unavailable or the foreign government deems them insufficient, it may be necessary to consider presenting additional documents to help with determining the identity of the removee. In such cases, the Removal Officer must escalate the matter to their supervisor. Before any decision is made to release such documents, the Removal Officer must consider if the document:

- identifies or suggests the removee's ongoing or former alliance with a political, religious, social or other group
- links the removee to any matters raised in a previous PV application, or
- contains any other information that is superfluous to identifying the removee for the purpose of obtaining a travel document (for example, documents which discuss any criminal history accrued while in Australia such as charge sheets or sentencing remarks, unless a specific ongoing authorisation is in place for disclosures of removal information, see [Removal from Australia - PI \(EC-7202\)](#)).

If the document meets any of the three criteria above, the Removal Officer must not provide the document to the relevant foreign government. If it is not clear whether the document presents similar sensitivities to any of

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the three criteria, the Removal Officer must immediately seek advice from the CELT by emailing s. 22(1)(a) @abf.gov.au and cc the removee's SRO.

The CELT team will seek advice by emailing s. 22(1)(a)(ii) @homeaffairs.gov.au or s. 22(1)(a)(ii) @homeaffairs.gov.au and then advise the Removal Officer accordingly.

Translation of documents

Removees may provide documents issued in a language other than English. To ensure the document is consistent with its claimed subject matter, appropriate and contains no sensitive or superfluous information, the Removal Officer should request an accredited translator from National Accreditation Authority for Translators and Interpreters (NAATI) to translate the document. This will allow the Removal Officer to verify the document's contents before submitting to a foreign government.

Further action if inappropriate documents are provided

If a Removal Officer considers that the Department may have provided a potentially sensitive or inappropriate document to a foreign government, they must immediately escalate the matter to their supervisor. They must also immediately email the concern to CELT by emailing s. 22(1)(a) @abf.gov.au (and cc the removee's SRO), who will liaise with National Office stakeholders regarding further actions to address the disclosure.

Consent to provide documents and/or information

Removal Officers may seek the removee's consent, using an accredited interpreter where necessary, before providing any documents and/or information to a foreign government. They must record the consent, including details of the documents and/or information to be provided and to whom, in relevant departmental record keeping systems.

If the removee does not provide consent and the Removal Officer makes a decision to provide documents and/or information to a foreign country (in accordance with the relevant information sharing legislation), the Removal Officer must record that decision, the lawful basis for disclosing the documents and/or information and reasons for doing so in departmental systems.

In either case, the Removal Officer must inform the removee that the Department will be making representations to their relevant foreign mission to obtain a travel document.

The Removal Officer should carefully consider records and act upon any concerns raised by the removee in relation to disclosure of documents and/or information and refer to the *Further action if inappropriate documents are provided* part of this SOP.

Consular interviews

When obtaining travel documents, the foreign government may require an interview with the removee in detention. For advice on the procedures to follow in these circumstances, refer to the [Detention Services Manual - Legal Services - Consular access in immigration detention - PI \(DM-584\)](#).

Certificate of identity

An Australian Certificate of Identity (COI) is a travel document issued by the Department of Foreign Affairs and Trade (DFAT) to a person who is not an Australian citizen, who is about to leave Australia and who is stateless or is unable to obtain a travel document from their country of nationality. A COI does not in itself provide a right of re-entry into Australia or entry to any State. It is acceptable to return a person on a COI if

- Removal Officers do not have, or cannot obtain, a valid travel document for the person issued by the country to which the person is being returned, or
- that country will accept return of the person on an Australian COI, or
- the person has the right of long term residence in another country.

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Issuance of COIs is centralised in DFAT Canberra. Removal Officers seeking to remove a person using a COI must contact CELT by emailing ^{s. 22(1)(a)} celt@abf.gov.au to initiate and coordinate the COI application process with DFAT.

COI applications are lodged with a note advising that the COI is being sought for a removal, which will also provide information on whether the person has been offered the opportunity to sign the COI application and/or has refused to sign the application form.

For country specific information on COI procedures, including when a COI may be appropriate, refer to the [Travel Document Reference Guides \(OBJ2023/3333\)](#) or contact CELT by emailing ^{s. 22(1)(b)} celt@abf.gov.au.

3.5.1.5. Referral of travel document applications

Foreign missions are predominantly located in Canberra and other capital cities with large populations from those countries. Foreign missions are not available for all countries in each state and territory in Australia, and missions often deputise issuing TDs to particular jurisdictions (e.g. a foreign mission in QLD may have responsibility for issuing TDs for their nationals based in QLD, NT and SA). Not all consulates have the authority or ability to issue TDs.

Removal Officers should research which mission is responsible for the document they are seeking to obtain and submit it to the:

- Local mission in the Removal Officer's region
- Travel Document and Consular Engagement (TRACE) ^{s. 22(1)(a)(ii)} trace@abf.gov.au for Sydney-based missions
- CELT team ^{s. 22(1)(a)(ii)} celt@abf.gov.au for Canberra-based missions.

If Removal Officers are unable to establish which mission is responsible, CELT can make representations to Canberra-based missions on the Removal Officer's behalf, if required.

3.5.1.6. Removee cooperation

The removee should be encouraged to cooperate with removal processes, including applying for their TD (where permissible with their foreign mission). Lack of cooperation from the removee when obtaining a TD does not prevent the Department from applying for and obtaining a TD on the removee's behalf. However, officers must consider the risk of inadvertently breaching Australia's *non-refoulement* obligations or triggering sur place protection claims before lodging TD applications with foreign governments. For further information on sur place protection claims, refer to PCRS ^{s. 22(1)(a)(ii)} pcrs@homeaffairs.gov.au.

In such cases, officers should state on the application form that the removee has refused to sign the TD application or provide information and/or documentation that will assist verify their identity.

Where a removee holds a TD in their in-trust property but refuses to provide it for the purpose of removal, Removal Officers should contact MCLS ^{s. 22(1)(a)(ii)} mcls@homeaffairs.gov.au for advice on the Department's ability to obtain and use the document without the removee's consent.

3.5.2. Arranging travel

It is the Removal Officer's responsibility to ensure the removal is compliant with any Australian and foreign government directions regarding border closures and health directions relating to the movement of individuals across state/territory and international borders.

The Removal Operations Program Management team and ABF Charters will consider and make available charter operations where commercial options are not operationally viable.

Removal must be effected as soon as reasonably practical, taking into consideration any specific in-country requirements including, but not limited to, notification periods for foreign governments. For further advice on stakeholder engagement, refer to the [Notifying stakeholders of the removal](#) part of this SOP.

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3.5.2.1. Destination

Section 198 of the Migration Act does not specify the destination for removal. An UNC may be removed to any country willing to receive them, not only the country of their citizenship, provided they have a right of entry and to reside there long-term (refer to *Plaintiff M70/2011 v Minister for Immigration and Citizenship* and *BHL19 v Commonwealth (No 2)*). The existence of a third country reception arrangement does not, on its own, determine removability; it may enable Commonwealth action under s 198AHB of the Migration Act, but the third country must still be willing to receive the individual and grant them long-term residence rights

Given the sensitivities of removal to third countries, Chief Superintendent/Senior Executive Service (SES) Band 1 oversight and direction is required as part of the decision to proceed. For all third country removals, officers must ensure that the removee has permission to enter and remain in the receiving country, regardless of whether a third country reception arrangement exists.

Removal Officers should seek further advice from MCLS ^{s. 22(1)(a)(ii)} @homeaffairs.gov.au if required.

3.5.2.2. Route

Removals Officers are to remove UNCs to an international airport nearest to their final destination, or an port of entry agreed between Australia and a foreign government. As part of the post-removal support arrangements, or upon advice/requirements from a foreign government, officers may arrange for further domestic transport. For more information on PRS, refer to the [Post Removal Support](#) part of this SOP.

When choosing the airline and route, officers should consider:

- Entry requirements advised by foreign governments
- Cost and timing of flights
- Departure points from within Australia
- Stopover time at transit points (and any holding cell requirements)
- Baggage arrangements at transit points. It is recommended that baggage is 'checked through' to the final destination, thereby reducing any security risk to the operation by the bags having to be collected and re-checked on connecting carriers. Where airlines are not a part of the same airline alliance or do not have established code share agreements, Removal Officers should confirm baggage can be checked through with airline representatives directly before booking flights
- Any health issues identified by the DHSP which need to be considered (e.g. medication that may be required during the flight). Refer to the [Health and medical considerations](#) part of this SOP
- Visa and security requirements at transit points and potential difficulties in certain transit countries. Each removal operations team has an account for the [Timatic](#) website and Removal Officers should consult Timatic to research each country's requirements
- Implications of using other airlines for any necessary connecting flights
- The return trip to Australia for escorts and/or departmental staff, including escorts being able to return to Australia as soon as practicable.

Some countries require prior clearance or the grant of appropriate transit visas prior to transit.

Some countries require prior separate notification of transit through their airports. Failure to do so may result in uplift of the removee being denied. Removal Officers should review proposed travel routes against the [Removal Transit Reference Guide](#) (ADD2014/861477).

For further information about destination and transit countries/airports requirements, Removal Officers must liaise with the local Removal Supervisor or the local foreign consulate office. CELT ^{s. 22(1)(a)(ii)} @abf.gov.au can be contacted if a Removal Officer needs assistance approaching any embassy or consulate that is not located within their region.

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3.5.2.3. Cultural and religious sensitivities

When organising a removal, Removal Officers must consider the removee's religious and cultural sensitivities. For example, if removing an UNC during a religious holiday, Removal Officers should meet the removee's prayer and meal requirements as best as possible during the removal. These sensitivities must be documented in the in the [ODP](#) and Notice to Post (if transiting) and communicated to relevant stakeholders, including airlines and airports, so that appropriate arrangements can be made to cater to their needs.

Removal Officers should also consider the implications of transiting through or arriving in a country in a day of culture significance.

3.5.2.4. Domestic transit/transfer for removal

In all cases, if the removal route requires a domestic transit/transfer, the Removal Officer must consult with the removal operations team at the transit/transfer point when planning the removal. Interstate removal teams will assist Removal Officers with local arrangements (e.g. check-in, making holding facilities available and ensuring local oversight of the removal).

Where a high risk/profile removal requires a domestic transit/transfer, the Removal Officer must discuss management strategies/requirements with the relevant Removal Inspector or Supervisor at the earliest point possible.

Where a removee is required to travel interstate for a short period of time (i.e. a few days) prior to the removal (e.g. to apply for a TD in person), the removee should be transferred to the appropriate IDF in that state. The removee should be transferred via a network rebalancing charter or domestic commercial flight. ABF charters will facilitate removees' interstate travel. For assistance to progress an interstate transfer, contact ABF Commercial Transfers (S. 22(1)(a)(ii) [@abf.gov.au](#)) and the Detention Operations team at the originating facility.

Removal Officers must liaise with Detention Operations at the location the removee is accommodated to initiate IDF transfer. Detention Operations will complete a Detention Placement Assessment (DPA) and send it to National Detention Placements (S. 22(1)(a)(ii) [@abf.gov.au](#)) recommending transfer to the proposed IDF. Once reviewed, the DPA is sent to Detention Operations at the destination for placement acceptance. Following approval from both the destination region's Removal Operations and Detention Operations teams, a request for domestic escorts must be submitted to the FDSP regional email address where the removee is located. Contact details are available on the [Removal Operations Branch](#) SharePoint site.

The Removal Officer from the sending removal team retains responsibility for the removal and must work with the receiving removal team to progress the removal as scheduled. Only where the removal is cancelled and the removee remains in the receiving state should responsibility for the removal transfer to the removal team of the receiving region.

Where a removee needs to transit interstate (for a number of hours) prior to the removal, the Removal Officer is responsible for booking/arranging the entire flight path, including the domestic interstate flight(s). This is considered a removal not a transfer.

3.5.2.5. International transit

Prior to removal, Removal Officers should make appropriate arrangements to maintain the health and security of a removee while transiting. Arrangements should mitigate the risks associated with the removal being aborted or turned around at a transit point. This may include arranging to use holding rooms at the transit point and/or ensuring the removee is administered any clinically indicated medicine by a medical escort as required.

Annex 9 of the International Civil Aviation Organization's (ICAO) [Convention on International Civil Aviation](#) (the Chicago Convention) requires a transfer of custody be completed, if a removee is required to enter the custody of an international government agency (e.g. during an extended transit time whilst in a foreign location or where the entry requirements to a transit country do not allow the escorts and the removee to remain together). Annex 9 also outlines practice guidelines for international transit, including minimising

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transit time, ensuring the use of restraints complies with the laws of all involved states, and providing proper notification and travel documentation to relevant operators.

Removal Officers should decide transit arrangements in consultation with the relevant Removal Inspector or Supervisor and the relevant overseas Post. For further details, refer to the [Notifying stakeholders of the removal](#) part of this SOP.

3.5.2.6. Charter flights

The Department may determine that a charter flight is appropriate for the removal of larger groups of UNCs or for individuals for whom the Department cannot get uplift approval from a commercial carrier.

Factors that may give rise to the consideration of a charter aircraft include, but are not limited to:

- How many UNCs are being removed
- Availability of commercial flights
- Detention management issues
- Foreign government requirements
- Community/media sensitivities
- Appropriate travel/transit routes
- Efficient use of Commonwealth funds
- Risks to person(s) (for violent removees or to prevent self-harm)
- Escort requirements/clinically indicated medical needs
- The safety and security of departmental officers and stakeholders at the destination and required stops on route.

The Removal Officer must engage with ABF Charters (s. 22(1)(a)(ii) @abf.gov.au) when considering a charter operation internationally.

ABF Charters is responsible for large volume, complex and high risk removal of immigration detainees from Australia. This section has responsibility for coordinating commercial domestic transfers, as well as arranging domestic and international air charter requirements to support the broader ABF and the Department (s. 22(1)(a)(ii) @abf.gov.au). After hours duty phone: s. 22(1)(a)(ii)).

3.5.2.7. Voluntary removees who purchase their own ticket

If an UNC subject to removal wishes to purchase their own airline ticket (or use an existing ticket) to effect their removal, Removal Officers may stipulate to the UNC the date they must travel, the airline they must use and routes they must travel. This is within the scope of subsection 198(1) of the Migration Act.

The [Consent to Use Ticket for Removal Form](#) (ADD2008/868573) must be completed in these circumstances.

Note: The detainee may not be able to purchase their own ticket(s) if they have a criminal history. Some airlines have booking restrictions for detainees purchasing their own ticket(s).

3.5.2.8. Using removee's existing ticket

Section 216 of the Migration Act allows the Department to use a removee's existing ticket with or without their consent. This allows an existing ticket to be used as part of the UNC's contribution to the cost of their removal, avoiding the UNC having to pay twice for the flight. If the removee has a valid air ticket, they may be asked to consent to the use of this ticket. If the client agrees to allow the Department to use their ticket, they must complete the form [Consent to Use Ticket for Removal Form](#). If the client does not agree, officers

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can still use the ticket after completion of the form [Use Of Client Ticket Without Consent](#) (ADD2008/868620).

Removals Officers should liaise with the relevant airline directly to determine the validity of the ticket, if it can be changed and if there are charges for changing the ticket. When determining the flight path for an UNC who has an existing air ticket, officers may also have to book part of the return route through the Department's travel service provider in cases where the ticket only goes part of the journey or departs from a different state.

3.5.2.9. Booking travel

Removal Officers must book and pay for all travel through the Department's contracted travel management service provider.

Removal Officers should request the travel service provider to book flights (including for any escorts) using the departmental removal travel request form [CTM Booking Request Form \(HA removals\)](#) (ADD2019/1579617). The completed form must be emailed to Corporate Travel Management (CTM) International (s. 22(1)(a)(ii) @travelctm.com).

When arranging accommodation for a removee as part of PRS or an escort, bookings are typically made through an online travel agency (e.g. [Expedia](#)). Each regional removal operations team has its own account for this purpose. Alternatively, accommodation can be booked through the contracted travel service provider using the departmental removal travel request form [CTM Booking Request Form \(HA removals\)](#) (ADD2019/1579617). Book low-cost (budget) accommodation for removees. FDSP escorts are entitled to accommodation booked by the Department as per the Department and whole of Government travel policy. Generally, transit accommodation is not required as the officer should choose the most direct route. If transit accommodation is required, it should, where possible, be in a transit hotel located within the secure area of the terminal and not past immigration control.

3.5.2.10. Official travel expenditure approval

Travel expenses paid for by the Department (flights, accommodation, taxi or bus fares), can only be approved by Executive Officers (EL1 or above) delegated under subsection 23(3) of the [Public Governance, Performance and Accountability Act 2013](#) (PGPAA) up to their delegated limit. International travel must be approved by one of the PGPAA subsection 23(3)/*Financial Framework (Supplementary Powers) Act 1997* (FF(SP) Act) section 32B travel delegates listed in the [CFO Travel Approval Direction](#) (ADD2024/4854826).

Travel-approving officers (spending delegates) are required to ensure travel proposals (spending proposals) are affordable and funds are available (funds availability sign-off) with the relevant cost centre manager before committing to spending. A spending proposal may relate to a single transaction or to a number of transactions. Part D – Return and Removals of the [International Travel Request Minute](#) (ITR) (ADD2022/3606000) must be completed. The Removal Officer must send an email to the spending delegate with a detailed breakdown of all transactions related to the travel proposal. The approval email will serve as a formal record of the spending proposal and confirmation of available funds. Q12 and Q13 of the ITR must be completed to reflect the funds availability and Travel Delegate Approval. Refer to the [Accountable Authority Instructions - PS \(FM-4808\)](#).

Where an ABF officer (e.g. a Removal Liaison Officer (RLO)), is travelling and requires travel meals and incidental allowances to be paid by the Department, the approved ITR must be forwarded to the International Travel Team for processing (s. 22(1)(a)(ii) @homeaffairs.gov.au).

For further detail on official travel, refer to the [Travel and Location-based Conditions - PS \(HR-7257\)](#).

3.5.3. Uplift approval

The ATSR requires the Department, as the custodial agency responsible for transporting an UNC in custody (PIC), to:

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- Assess whether the PIC meets the definition of 'dangerous' as defined under the ATSR
- If the PIC is assessed as dangerous, confirm they will be escorted
- If the assessed PIC is not dangerous, liaise with the operator of the prescribed air service to determine whether the PIC requires escorts
- Provide written notice to the aircraft operators of intended PIC movements by completing [Form 1: Notice of proposed movement of a 'person in custody' \(PIC\)](#) (ADD2017/2275667) or similar uplift approval forms provided by the relevant aircraft operator
- Seek the operator's agreement to carry PIC(s), and
- Seek the operator's approval for the use of escorts (contracted or operator provided) to effect a removal operation.

3.5.3.1. Transport security operation travel types

Before notifying aircraft operators of the proposed travel of a removee or PIC and (if required) arranging escorts, officers must determine the appropriate travel type for that UNC, namely:

- Escorted domestic travel maintaining immigration detention
- Supervised departure (non-escorted, also known as voluntary unescorted)
- Escorted international travel of non-dangerous persons
- Escorted travel of dangerous persons (domestic or international).

The Notice of proposed movement of Person in Custody (PIC) completion guide in the [Removal from Australia – Guides - SM \(BC-7205\)](#) describes these travel types.

To determine the appropriate travel type, officers are required to:

- Consult the removee's file, departmental systems and the SRO regarding their compliance with resolving their immigration status
- Engage with the relevant detention operational area (s. 22(1)(a)(ii) [@abf.gov.au](#)), to understand the removee's behaviour whilst in an immigration detention facility (IDF), their immigration history/visa history criminal history (if any) and any clinically indicated health issues
- Obtain a [Detention Services Provider Assessment](#) (DSPA) (ADD2014/580380) or a similar report/information for the removee from the correctional facility (where relevant), unless the removee:
 - o Has been detained for a short time (less than three days)
 - o Is not being removed from a secure/guarded detention environment (e.g. community detention).

This information will be considered when completing the online DAA in the CCMD portal.

3.5.3.2. Notification requirements

Aircraft operators

Removal Officers must notify all aircraft operators of the proposed travel of a PIC and are required to:

- Under ATSR 4.90, complete and submit [Form 1: Notice of proposed movement of a 'person in custody' \(PIC\)](#) (ADD2017/2275667), or similar uplift approval forms provided by the relevant aircraft operator. This requires the Department to provide details about the PIC and proposed risk mitigation strategies for their movement, including any health requirements clinically identified by the DHSP.

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The information informs the aircraft operator's risk assessment prior to agreeing to transport the PIC. To assist Removal Officers complete the form, refer to the Notice of proposed movement of Person in Custody (PIC) completion guide in the [Removal from Australia - Guides - SM \(BC-7205\)](#)

- The form should be emailed to the airline within the timeframes specified in the ATSR, unless the aircraft operator agrees to less notice. For details of notification times, refer to the Notice of proposed movement of Person in Custody (PIC) completion guide in the [Removal from Australia - Guides - SM \(BC-7205\)](#)
- If a removee or PIC is travelling on more than one airline during their removal, seek approval from each individual airline
- If an officer becomes aware that the Department has given incorrect or incomplete information to an aircraft operator, inform the aircraft operator as soon as practicable
- Save the signed form (Part D of [Form 1: Notice of proposed movement of a 'person in custody' \(PIC\)](#)) and/or approval email to TRIM and in the CCMD portal work tasks as a record of uplift approval.

The aircraft operator may request additional information from the Department to conduct its own risk assessment. The ATSR states that the Department is not required to provide any additional information to an aircraft operator if doing so would constitute an offence under any Act (including a breach of the Privacy Act) or under a State/Territory law. For details on information disclosure, refer to the [Removal from Australia - PI \(BC-7202\)](#).

Removal Officers should consider including the following caveat in correspondence with aircraft operators:

Example:

The information in this email (including any attachments) has been released to [airline] for the purpose of considering carriage by [airline] of the person(s) detailed in this email (including any attachments). Use for any other purpose, or on-disclosure to any other recipient outside [airline] requires the prior written permission of the Department of Home Affairs.

Removal Officers should email Removals Operational Policy [S. 22\(1\)\(a\)\(ii\)](#) @abf.gov.au if there are concerns that the release of additional information to the aircraft operator may be unauthorised.

Airport operators

The ATSR requires operators of security controlled airports to receive advance notice of dangerous PICs moving through their airport. Removal Officers must send the aircraft operator an endorsed copy of [Form 1: Notice of proposed movement of a 'person in custody' \(PIC\)](#), including Australian transit airports, at least 12 hours before the PIC arrives at the airport (the airport operator may agree to less notice).

This information is provided to the airport operator so they can apply necessary risk management procedures for the transit of dangerous persons. The airport operator does not determine whether the travel movement can proceed.

The Department is responsible for ensuring notification is provided to the airport operator within the prescribed timeframes. For details of notification times, refer to the Notice of proposed movement of Person in Custody (PIC) completion guide in the [Removal from Australia - Guides - SM \(BC-7205\)](#).

If a departmental officer realises incorrect or incomplete information has been provided, they must inform the airport operator as soon as practicable.

Officers must notify operators of Australian airports in advance of the movement of dangerous persons through their facility.

3.5.3.3. Escort requirements for dangerous persons

Under ATSR 4.75, a person in immigration custody is defined as dangerous if the Department:

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- Has assessed the person as being likely to attempt to commit an unlawful interference with aviation or likely to attempt to escape
- Is aware that the person has been charged with a crime involving violence against a person or serious damage to property
- The charge against the person is still to be resolved
- The person has been convicted of a crime involving violence against a person or serious damage to property.

Under ATSR 4.75(2)(a), the circumstances in which a charge for an offence is considered resolved in relation to a person are when the:

- Charge is withdrawn
- Charge is dismissed
- Person is not committed on the charge following a committal hearing
- Person is acquitted of the offence
- Person is sentenced for the offence
- Person is dealt with by being the subject of an order made as a consequence of a finding of guilt
- Charge is otherwise finally dealt with.

Furthermore, a charge is considered resolved if an appeal relating to the charge is:

- Not lodged within the period for lodging such an appeal – when that period ends. However, if an appeal is lodged after the lodgement period has ended, the charge ceases to be resolved until that appeal lapses or is finally determined
- Lodged – when the appeal lapses or is finally determined.

Officers must understand that the onus is on the Department to undertake an assessment of whether the person is dangerous under ATSR 4.75, taking into consideration all relevant information.

ATSR 4.87 sets out the following escort requirements for flights involving a dangerous PIC:

- The person must be escorted at all times when on a prescribed aircraft or at a security controlled airport, by at least two escorts
- At least one of the escorts must be of the same sex as the PIC
- The escorts must be Law Enforcement Officers or persons of a kind agreed to between the aircraft operator and the Department, and must not be crew members of the aircraft
- The Department must provide escorts unless the Department and the relevant aircraft operator agree that the operator will provide the escorts.

The roles and responsibility of security escorts are further explained in the [Escorted Removals](#) part of this SOP.

3.5.3.4. Escort requirements for non-dangerous persons

ATSR 4.80 provides that there is no set number of escorts required if the PIC is categorised as non-dangerous. Non-dangerous PICs do not necessarily require escorts, however the ATSR requires the PIC to be escorted unless the Department and the aircraft operator have agreed on the risk assessment and risk mitigation strategies proposed by the Department for the PIC's travel movement to be unescorted.

Where a non-dangerous PIC is to be escorted, it is recommended that at least two escorts be used. Three or more escorts may be required for flights with transit stops and/or total duration of more than 10 hours.

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Individual airline security policies vary and some airlines mandate that at least three escorts are required for removal. Officers should check specific airline requirements at the planning stage of a removal.

The Notice of proposed movement of Person in Custody (PIC) completion guide in the [Removal from Australia - Guides - SM \(BC-7205\)](#) summarises travel types, notification and escort requirements.

3.5.3.5. Movement of PIC – non-standard movements

Under ATSR 4.88(1), a non-standard movement means a movement:

- Of more than two escorted PICs on the same flight
- Of more than one dangerous person
- Where an individual escort is responsible for both a dangerous PIC and at least one other PIC.

Escort arrangements for flights involving non-standard movement

Agreement on escort arrangements for the PIC must be made between the aircraft operator and the Department as the custodial agency, where the aircraft is being used for a prescribed air service and the flight involves a non-standard movement. The ATSR prescribes that there is no set number of escorts required for non-standard movements.

Exception for family groups

Non-standard movement requirements do not apply to family groups where the following requirement are met:

- The movement will not involve more than two escorted persons travelling on the flight
- The persons are all members of a family unit
- None of the persons are categorised as dangerous as per the ATSR
- The airline operator and the Department have agreed on the escort arrangements
- No other escorted PIC travelling on the flight considered non-standard.

Consideration should be given to the qualification of escorts when escorting a minor. Refer to the [Employment Screening for Child-related Roles - PS \(DM-917\)](#) and the [Employment Screening for Child-related Roles - PI \(DM-930\)](#).

3.5.3.6. Airline refusal to carry a removee, deportee or PIC

If an aircraft operator refuses to carry a removee or deportee, Removal Officers are to clarify the concerns of the operator and then discuss them with their supervisor.

The Department may make further approaches to the aircraft operator in an attempt to resolve the operator's concerns.

If an operator refuses to carry a person despite the Department proposing suitable escort arrangements, officers may wish to consider issuing the aircraft operator with a section 218 notice. This is a written notice requiring the controller of a vessel to transport the person from Australia to a destination of the vessel or one of the vessels specified in the notice.

When issuing a section 218 notice, consideration should be given to the long-term effect on the ABF's relationship with the aircraft operator and ongoing ability to effect removals from Australia. The use of a section 218 notice is considered a final measure; officers are expected to have exhausted all other commercial airlines, routes and charter options. Removal Inspectors must be consulted prior to issuance of a section 218 notice.

Removal Officers should email Removals Operational Policy [S. 22\(1\)\(a\)\(ii\)](#) @abf.gov.au for further information.

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3.5.4. Pre-departure planning

3.5.4.1. Request for service (RFS)

Removal Officers will need to submit a Request for Service (RFS) in the CCMD portal requesting the FDSP to transport the removee to the airport within the required timeframe for the removal, ensuring that they are presented in a manner compliant with baggage and screening protocols in force.

An RFS will include the following:

- Date of the removal
- Identity of the detainee
- Location of the detainee
- Destination of the removal
 - o Including, when required, a country risk assessment (security, health etc).
- Transport and escort (TandE) support requested from the service providers and coordination with other parties
- Allowed baggage weight as per the carrier(s) for the removal operation.

The RFS should also contain information relating to any known concerns/ criminality/ sensitivities associated with the task or the detainee.

The [Returns and Removals](#) SharePoint site includes a video for completing a RFS.

3.5.4.2. Pre-removal searches

Section 252 of the Migration Act provides officers with powers of search and seizure.

If the FDSP is escorting the removee during the entire removal, they should perform a screen and search at the IDF or other place of detention for weapons or implements for escape. Removees are permitted to carry and use their electronic devices while at the airport awaiting removal.

If the removee is to be an unescorted removal, the FDSP should conduct searches according to the FDSP's discharge operational procedures. The FDSP should also search a removee's baggage, including carry-on baggage, according to approved guidelines. Refer to the [Baggage and property](#) part of this SOP. FDSP officers or correctional services officers will usually perform searches of removees being removed directly from correctional facilities.

For detailed information, refer to section 252 of the Migration Act and [Detention Services Manual - Managing the administration of detention - Management of detainee property - SOP \(DM-3285\)](#).

3.5.4.3 Baggage and property

Removees are to depart Australia with all TDs, identity documents and property held on the removee's behalf by the FDSP and/or the Department.

3.5.4.4 Baggage management

Removal Officers must ensure a removee's baggage is managed effectively to avoid any problems relating to contraband items and excess baggage arising at the airport. Officers are to advise removees in advance of departure of baggage limits and their options for managing excess baggage (refer to the standard baggage allowance for removee section below). For removal from correctional facilities, officers will need to liaise with the facility about baggage management and limits.

When removing a detainee from an IDF, the FDSP must weigh and check all property before the detainee leaves the IDF. The Removal Officer must discuss with the FDSP the best time to weigh the baggage and follow up on any issues.

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Any money or property held in trust for the removee is to be returned to the removee just prior to disembarkation or arrival at the destination country. Escorts should be instructed not to surrender any property or funds to the removee until they have arrived at the destination country or are transferring to the final leg of a multiple-transit journey. The removee should sign a property receipt form upon receipt of their property.

The FDSP should check, weigh and store the baggage at the earliest opportunity (at least 24 hours before departure) to allow time to resolve any issues.

If the removee is transiting through another detention facility before being removed from Australia, the FDSP must undertake these baggage procedures at the original IDF where the removee was detained, unless other arrangements have been made.

All property should remain in the care of the FDSP or escort at all times, from final checking of baggage to the end of the escorted journey. This includes TDs, cash, phones, medication and carry-on baggage.

3.5.4.5 Opportunity to dispose of articles before removal and enroute

Before removal commences, the Department is to give a removee the opportunity to dispose of any possessions that they do not wish to take with them and advise them to consider the possible implications of carrying particular personal effects to the destination country (e.g. religious articles or border controlled items).

The removee is allowed to discard any of their possessions during the removal if they wish to do so provided this does not unduly impede the removal (e.g. property has been sealed by the FDSP and needs to be retrieved and re-opened), contravene any laws or pose a risk to the community.

For details regarding disposal of possessions, dangerous items and excess property, refer to the [Detention Services Manual - Managing the administration of detention - Management of detainee property - SOP \(DM-3285\)](#).

3.5.4.6 Standard baggage allowance for removee

Before the removee is removed, officers should advise the removee of the standard baggage allowance, using the [Information on removal baggage limits form](#) (ADD2018/287286), if appropriate. Removal Officers should confirm with their Supervisor (APS6) as some regions may have the baggage allowance detailed in the flight itinerary.

If Removal Officers determine that baggage issues may jeopardise the removal, Removal Officers should consult their Supervisor (APS6) or their Inspector (EL1).

Additional luggage allowance may be available in certain circumstances. Officers must use their judgment and discretion when deciding to permit excess baggage, taking into consideration that:

- The escort service provider will not assist removees to carry baggage that is over the standard baggage allowance
- Excess baggage charges incurred by the Department should be attributed to the removee's debt to the Commonwealth.

The Removal Officer may use a portion of any post-removal support provided to the removee to pay for excess baggage if the removee is unable to pay. Refer to the [Post removal support](#) part of this SOP.

If the removee exceeds the standard baggage allowance (e.g. due to baggage limits on the aircraft), officers should first encourage the removee to arrange for the shipping of their remaining baggage themselves. If the removee is unable to do so, officers may, if warranted, arrange to ship the remaining baggage to the destination address. The cost of the shipping should be added to the removee's debt to the Commonwealth.

If a removee leaves baggage/property at the detention facility, the Department is to advise them of their options. Refer to the [Information on removal baggage limits form](#) (ADD2018/287286).

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3.5.4.7 Access to family and visitors

If there is sufficient time, relatives and friends who wish to see a removee before departure may visit the removee at the place of detention before the removee leaves for the airport. The visit will be subject to standard procedures for visiting an IDF. Officers should not facilitate visits at the airport.

Refer to:

- [Detention Services Manual – Visitor management – Visitor management - SOP \(DM-3258\)](#) which describes the procedure for managing visits to immigration detention facilities
- [Detention Services Manual - Safety and security management - Screening and searching of detainees and their property - SOP \(DM-3289\)](#) which describes the procedures for the screening and inspection of visitors.

3.5.4.8 Access to legal representation

Section 256 of the Migration Act requires departmental, ABF or FDSP officers to provide a removee in immigration detention, at their request, with (among other things) all reasonable facilities for obtaining legal advice or taking legal proceedings in relation to their immigration detention. This includes providing the removee with access to a telephone and a telephone directory or access to the internet. The removee should be assisted to effectively utilise these sources of information (e.g. by being provided interpreting and translation assistance or information technology assistance, as required).

Where a removee asks to speak to a particular legal representative, the Department should, if possible, provide the business hours telephone number for that person.

Removees should be informed that costs associated with accessing a legal service provider will be at their own expense, unless they have made other arrangements (which may include funding through a legal assistance scheme or an agreement for *pro bono* services with a particular legal service provider).

The removal of an UNC from Australia is not prevented or delayed by an UNC's inability to make contact with the legal representative (e.g. where the legal representative contacted was unavailable or where the UNC is waiting for a message to be returned by the legal representative).

Officers who are asked to facilitate access to a legal representative/advisor must ensure they record details of the request, and any action taken in response to the request, in the CCMD portal (e.g. attempts to facilitate access, timing of access, relevant operational contingencies preventing access).

[Detention Services Manual – Legal Services – Detainee access to legal representation and migration agents - PI \(DM-601\)](#) describes the procedures for providing detainees in immigration detention facilities access to legal representation or a registered migration agent.

3.6. Escorted removals

3.6.1. Overview

There are four types of escorts that can potentially be engaged if required to support a removal. Escorted removal operations are primarily supported by security escorts who are engaged to mitigate risks identified by the ABF. In addition to the security escort and depending on the removee's circumstances, a removee may be accompanied by non-security escort(s), including:

- Medical Escort
- RLO
- Welfare escort.

When conducting a removal, the Department and ABF must ensure that they meet both international and domestic obligations to ensure the safety and wellbeing of the removee and community.

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3.6.2. Determining if a removal is to be an escorted removal

There are several factors that may determine a removee's need to be escorted. These factors can be one or a combination of the following where the:

- Removee is being removed from Australia via commercial means or a chartered removal operation
- Removee fits the ATSR classification of 'dangerous person'. Refer to the requirements for dangerous persons section in the [ATSR escort requirements](#) part of this SOP
- Removee is being removed involuntarily
- Removee has a clinically identified health issue (including mental health issue) which requires ongoing clinical support
- Removee does not meet the definition of 'dangerous person', however is assessed as being high risk by the FDSP using the [Detention Services Provider Assessment](#) (ADD2014/580380)
- Travel route is complex, involving multiple legs that require embarking and disembarking
- Removal of a family unit involves a minor(s), and it is anticipated that the accompanying parent(s) response during removal may distress the minor(s). For further information on removals involving minors, refer to the [Removal of family and minors](#) part of this SOP
- Removal involves an unaccompanied minor (UAM).

Once all assessments have been conducted in relation to a removee, the information gathered will determine whether escorts are required. The Removal Officer must determine the escort requirements which will best address the removee's needs when planning the removal.

3.6.2.1. About the Facilities and Detainee Service Provider (FDSP) assessment

The FDSP assessment assists Removal Officers to determine the appropriate mode of travel for a removee. The ATSR deal with PICs under the Migration Act. Detainees that will be removed or deported, including IFFs, will require a security assessment to determine ATSR requirements that will apply during the removal operation. The ATSR require that operators of prescribed aircraft, and in some cases operators of security controlled airports, be notified in advance of the travel of immigration PICs. For information on the ATSR and travel types, refer to the [ATSR escort requirements](#) part of this SOP.

The FDSP assessment is based on information on the UNC's history in detention, known adverse behavioural indicators/reports (e.g. incident reports from detention and/or correctional periods), which may indicate the UNC's potential to act in a disruptive manner or present an escape risk.

This information establishes a profile of the UNC to be removed that includes their behaviour, health (physical and mental), potential escort needs and attitude towards removal.

The FDSP assessment is used for (but not limited to):

- Detainees in IDFs
- Determining mitigating factors to effect a removal
- Non-citizens identified through the Department's Immigration Status Service
- Assessing suitable pathways for those exiting correctional facilities.

For UNC's being removed from correctional facilities, a report/assessment should be provided from the Corrections Service to the Department. Early engagement with correctional facilities is recommended, noting that each state has varying requirements and timeframes for the release of information. A FDSP assessment is not required if the detainee is not being removed from a secure/guarded detention environment.

As each state and territory operates their own correctional facilities, there is no consistent template for requesting or receiving a security assessment. Each state and territory removal operations teams should

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consult with the Detention Operations security liaison officer if additional information is required for the above four purposes.

The information provided in the assessment will become part of the overall removal risk assessment. It also informs the:

- Completion of the DAA. Refer to the [Departmental Aviation Assessment \(DAA\)](#) part of this SOP
- Escort requirements
- Request for uplift approval
- Completion of the [Operational departure plan](#)
- Completion of a RAA. Refer to the [Removal from Australia - Establishing Liability and Availability - SOP \(BC-7203\)](#) and [Removal from Australia - Guides - SM \(BC-7205\)](#).

It is the Removal Officer's responsibility to review the security assessment and ensure it is consistent with information held by the Department. To make a complete assessment of the risks associated with the UNC's travel arrangements, a Removal Officer should consider the FDSP assessment together with the UNC's file, information on departmental systems and other information available to the Department.

3.6.2.2. Requesting the FDSP assessment

To obtain the FDSP assessment, officers are to contact the FDSP and request a FDSP assessment for the UNC being removed. This process is also followed to obtain an incident report or an updated FDSP assessment. The FDSP/corrections assessment is valid for 28 calendar days from the date of completion by the FDSP/correctional facility (not date of receipt) and must be valid at the time of removal.

To ensure information is current at the time of removal, the incident report should be requested seven days prior to removal. If the Department becomes aware of additional incidents reported/recorded since the date of the assessment that may affect the removal (e.g. incidents of uncooperative behaviour), a new FDSP assessment should be requested.

If the initial FDSP assessment is provided within seven days of the removal, officers do not need to request an FDSP/correctional facility incident report on the removee unless it is considered a complex, sensitive or high risk removal.

For non-citizens held in a correctional facility who are subject to removal, a FDSP equivalent assessment is sought. Generally, the Removal Officer should contact the Prison Records Section of the respective correctional facility. Regions may have local arrangements in place for these requests.

3.6.2.3. DAA

The DAA completed in the CCMD portal ensures Removal Officers have considered all relevant factors before determining the air travel type for a removee.

Removal Officers are required to select the travel type in the DAA form based on parameters outlined in the ATSR. If there are any deviations from these parameters, Removal Officers should discuss with their Supervisor (APS6)/Inspector (EL1) prior to making a decision.

Once the removee's travel type is determined, Removal Officers must notify the aircraft operator of their intended travel.

The [Returns and Removals](#) SharePoint site includes a guide for completing the DAA.

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3.6.3. Security escorts

3.6.3.1. Overview

The ABF is required to ensure that security escorts are present during removal when required by law or as a result of a risk assessment. The requirement for, and role of, security escorts in the aviation environment is governed by the ATSR and by the Chicago Convention framework. These requirements are outlined in the DAA in the CCMD portal.

Security escort services must be delivered in a manner that takes into account:

- ABF requirements that are consistent with established departmental contractual arrangements
- The needs and welfare of the removee(s)
- Integration with other service providers
- Risk to the community, contingency situations and related risks.

The Department's contracted FDSP should be used for security escorted removal. In some circumstances, utilising the FDSP may not be appropriate due to particular operational requirements. If this is the case, the senior regional Removal Officer should make the decision to employ non-FDSP security escorts, and record their reasons for using non-FDSP escorts in the CCMD portal and TRIM as soon as the decision has been made.

3.6.3.2. Powers available to escorts as 'officers' under the Migration Act

Section 189 of the Migration Act requires an officer to detain a person in the migration zone, who they know or reasonably suspect is an UNC. For a complete list of persons authorised as officers for the purposes of the Migration Act, refer to the definition of 'officer' in subsection 5(1).

Additionally, the Minister may authorise, in writing, classes of persons to be officers and has done so for certain non-departmental employees; refer to the [Escort conditions - non-departmental employees](#) part of this SOP. The Migration Act gives all these officers authority to take custody of/escort a person in detention.

The Department's Instrument of Authorisation ([Migration \(Secure Journeys – Detention Service Provider Officers\) Authorisation 2025 \(ADMIN 25/002\)](#)) allows certain FDSP employees to be authorised as 'officers' for the purposes of the Migration Act, when performing specific duties.

3.6.3.3. Powers available to directed persons as security escorts

There may be circumstances where private security escorts who do not fall under the definition of 'officer' for the purposes of the Migration Act are required to maintain immigration detention during removal. If security escorts are not officers for the purpose of the Migration Act, they must be directed by a delegate of the Secretary or the Australian Border Force Commissioner to accompany the UNC (making them 'directed persons'). If a delegate does not provide this direction, any taking into detention of the person by the non-officer escort will be unlawful.

An authorised officer makes the direction to maintain immigration detention by providing the escort with a [Direction to Accompany and Restrain for Removals Form](#) (ADD2017/1756004). To identify the Secretary's delegates for the purpose of directing a non-officer to accompany and restrain a particular detainee, refer to [ABF\(M\) No. 1 of 2018, Schedule 4](#) and [subsection 5\(1\)](#) of the Migration Act (definition of 'immigration detention', subparagraph (a)(ii)).

Directed persons are not subject to the same legislative powers that officers under the Migration Act are subject to and are not accountable under the same policies or legislative frameworks.

These may include the following:

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- The Department's Professional Standards Framework
- Australian Public Service Code of Conduct
- The Statement of Expectation.

Most significantly, directed persons **cannot** use reasonable force against a detainee for the general purpose of managing a detainee's behaviour (including the use of low-level restraints), without reliance on other legal doctrines (e.g. self-defence, duty of care, necessity or emergency).

Officers that engage a directed person for a removal need to be aware that directed persons do not have the same powers as officers, which presents additional risks. Officers must provide directed persons with a briefing that reinforces the limitations of their functions, especially in relation to use of force.

The direction to accompany and restrain a detainee under section 5 of the Migration Act empowers the directed person to perform a very specific function (i.e. to accompany and restrain a detainee for the purpose of maintaining immigration detention). The direction does not empower that person to perform the other functions of an officer, including the use of force.

Directed persons can only use reasonable force in certain limited circumstances where it is necessary for them to be able to discharge their statutory function of accompanying and restraining a detainee for the purpose of keeping the detainee in immigration detention. They cannot use reasonable force against a detainee for the general purpose of managing a detainee's behaviour (including the use of low-level restraints) without reliance on other legal doctrines (e.g. self-defence, duty of care, necessity or emergency).

This issue is relevant to the portion of the removal that is onshore (when the Migration Act is still enforceable) until the relevant international conventions take effect in relation to the use of force/restraints on an aircraft. Although this is only a small portion of the removal, it is also a crucial part of the operation where the detainee is escorted onto the aircraft and settled on board, during which the need to use force/restraints could arise.

It is important for Removal Officers to identify the risks in circumstances where a removee will be transferred into the custody of a directed person, as opposed to an 'officer', performing the duty of security escort.

Use of force outside Australia

An UNC will be removed from Australia when they leave Australian territory. While in Australia, directed persons may have the incidental power to use reasonable force/restrain an UNC under the Migration Act, but only to the extent necessary to keep the UNC in immigration detention.

Once an escort party has boarded an aircraft and the aircraft door is closed, the provisions of the international conventions will apply in relation to use of force (as is also the case for officers under the Migration Act).

3.6.3.4. Roles and responsibilities of security escorts

Security escorts are responsible for:

- Maintaining immigration detention within the migration zone as required by the Migration Act
- Managing the removee so that:
 - o The requirements of the ATSR and Chicago Convention are met
 - o Airline safety is not compromised
 - o Compliance with the aircraft operator's direction on storage and security of personal items including personal electronic devices, is achieved
 - o The removee arrives at their final destination in a safe and orderly manner.

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- Delivering services in accordance with pre-removal briefing and documented requests for service
- Maintaining accurate and complete records of the removal operation as required
- Providing escort services consistent with established contractual arrangements.

If a removee is uncooperative and disrupts, or threatens to disrupt, a removal, security escorts may be required to use reasonable force to ensure the safety of both the removee and the general public. After the removee is on board an aircraft or other vessel, the use of force is governed by international conventions. Refer to the [Background - International conventions](#) part of this SOP.

Security escorts need to proactively manage and monitor the behaviour of the removee and must follow the direction of the aircraft pilot while in flight. De-escalation techniques and communication are the preferred methods of resolving any disruptions involving the removee. The use of restraints may be required if escorts have exhausted all other means of carrying out the removal or the aircraft pilot requests that restraints be used. Refer to the [Authority to abort a removal](#) part of this SOP for further information.

3.6.3.5. Sourcing security escorts for removal

Who can act as a security escort

The Transport and Escort clauses within the Department's FDSP contract covers the provision of security escorts for removal. Requests for security escorts should be sought through this arrangement in the first instance. If local FDSP escorts are unavailable, it will be the responsibility of the FDSP to source escorts, which may include arranging escorts from another state to be pre-positioned. If the FDSP advises that they are not able to provide appropriate escorts, the ABF may use other security escorts (e.g. police, corrections staff or airline escorts).

If Removal Officers believe that the FDSP is not able to provide security escorts with the necessary capabilities to manage issues identified in a removee's risk assessment, they should escalate this to their supervisor. For escort tasks assessed as high or extreme risk, the ABF reserves the right to stipulate the number and composition of drivers and escorts for the escort task. The ABF reserves the right to specify the number and composition of escorts for an international transport and escort task if it assesses that additional operational support is required.

Use of police and corrections staff

In some circumstances, a request for Australian/overseas police or corrections officers to be engaged as escorts should be made/escalated directly through the use of a deed, in accordance with the Department's procurement guidelines.

As with all escorted removals, when considering contracting non-FDSP security escorts, Removal Officers should take into account the circumstances of the removal and the removee's characteristics, including but not limited to:

- The risk assessment and the result of the DAA
- Gender
- Vulnerabilities, including age
- If they have a criminal history and/or affiliations
- Detention history
- Physical attributes - height, weight, disposition, any disabilities (to ensure the appropriate number of escorts are provided)
- Level of cooperation and attitude to removal

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- The ATSR requirements. Refer to the [ATSR escort requirements for dangerous persons](#) part of this SOP
- Restrictions imposed by the carrier (refer to the [Airline's own escorts](#) part of this SOP)
- Prohibitions on travel of Australian personnel to specific countries/regions (refer to the [Escorted Removals](#) part of this SOP).

3.6.4. Non-security escorts

Under the ATSR, a person is in custody if they are in custody under a specified Act. The Department is a specified custodial agency for PIC under the [Aviation Transport Security Act 2004](#) (the ATS Act) and the ATSR. If a removee is accompanied by a security escort (i.e. in custody under the Migration Act) for the duration of the removal, they are considered to be a PIC under the ATSR. If the removee is only accompanied by a non-security escort (an RLO, medical and/or welfare escort), they are still considered a PIC under the ATSR, however they must not be 'dangerous'.

3.6.4.1. RLO

In some cases, the ABF may consider it appropriate for an employee of the Department or ABF to accompany the escort party during a removal. The purpose of an RLO is to liaise with a range of internal and external stakeholders, including airline, airport and foreign government officials, during a complex or sensitive removal of an UNC.

The RLO is not the lead escort and is expected to work collaboratively with other escorts to achieve a successful removal. If a security situation arises with a removee, the RLO may seek assistance from airline or airport officials or keep them informed while security escorts directly manage the removee.

An RLO is expected to:

- Support the efficient and effective management of complex, sensitive or high risk removal cases lawfully and within policy frameworks
- Maintain accurate and complete records of the removal operation
- Be professional, fair and reasonable in all dealings with removees and other stakeholders during the removal process
- Manage relationships between the removal party and stakeholders during the removal, effectively and professionally.

Officers engaged to assist with issues related to the removee's wellbeing during removal take the role of welfare escort rather than RLO. Refer to the [Welfare escorts](#) part of this SOP for further information.

When to engage an RLO

An RLO may be engaged for a removal if the responsible delegate for the removal has agreed, following a pre-removal risk assessment, that the removal operation will be of a complex or sensitive nature and requires a high level of liaison which security and other escorts cannot manage alone. An RLO may be needed if:

- Engagement with foreign governments or other bodies is required during the removal which is likely to be sufficiently sensitive or complex to warrant management by a departmental officer
- There is a possibility of significant media or third party interest in the removal that has the potential to disrupt the removal
- The removal is complex due to flight, transit or re-entry arrangements that are sufficient to warrant management by a departmental officer

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- The destination country requires an RLO (e.g. if the removal relies upon the destination country accepting a Certificate of Identity (COI) issued by Australia)
- A removal involves a minor.

Approval by an ABF Commander (SES Band 1) may be given at the same time as approval of the International Travel Request Minute (refer to the [Official travel expenditure approval](#) part of this SOP) and the ROIB. If no RLO indicators are present in the ROIB but exceptional circumstances exist that justify the use of an RLO, the Commander's approval should document the reasons for the decision and be recorded in departmental systems.

RLO responsibilities

The role of the RLO commences prior to the removal of the removee from Australia, and ends after the RLO returns to Australia and completes all post-removal procedures.

If an RLO is required for a removal, they will:

- Take part in the removal planning and pre-removal briefing process (as required), and familiarise themselves with the removee's case
- Work with the Removal Officer during the final planning of the removal operation and accompany the removee to their final destination/handover
- Work with other escorts and manage any issues during the removal
- Obey the aircraft pilot's instructions, as required under the ICAO Tokyo Convention 1963
- Coordinate and liaise between removal stakeholders (e.g. other escorts, foreign government officials, airline and airport staff, post-arrival support providers, Removal Inspector (EL1) and the media)
- Adhere to the agreed [ODP](#), including reporting and escalation protocols
- De-brief and liaise between the removee, escorts and all relevant stakeholders
- Provide an [Escort's Removal Report](#) (ADD2008/849043) and de-briefings to the ABF
- In case of unexpected changes in removal planning, arrange travel and accommodation for the removee and escort party in transit
- Report any incidents to the Regional Coordination Unit
- Adhere to the APS Code of Conduct at all times, including during stand down periods overseas.

Security, medical or welfare escorts in the removal party will have primary responsibility for the facilitation of the removal. An RLO should generally refrain from providing operational commands during a removal or directly managing the removee's security, welfare or health issues without prior discussion with relevant escorts. If the RLO is concerned that the actions of other members of the escort party are inconsistent with departmental policy and guidelines, they should raise their concerns with the relevant escort. The RLO may also include any concerns in the escort report and, if appropriate, escalate them on return to the contract manager and service provider.

RLO selection and training requirements

Officers engaged to undertake RLO duties are expected to possess skills and capabilities required to conduct high-level stakeholder engagement, liaison and negotiation to mitigate reputational and operational risks. An RLO engaged with the removal of a family with minors or an UAM must act in accordance with the [Child Safeguarding Framework - PS \(BE-916\)](#). Refer to the requirements under the section on the [Welfare escorts](#) part of this SOP.

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Officers with relevant skills and work experience can apply through a merit-based process to join the National RLO Pool. For more details about the national RLO pool, email Removal Operations Program Management team (s. 22(1)(a)(ii) @homeaffairs.gov.au). Inspector (EL1) may also be assigned to complex removals requiring a higher level of representation and stakeholder liaison.

Successful applicants to the National RLO Pool must complete the formal RLO training course and undertake a minimum of two trainee deployments with an experienced RLO before they can be assigned for RLO duties on their own. RLOs for removal operations can only be recruited from the National RLO Pool.

Number of RLOs to be used in a removal

If the duration of the removal is 10 hours or more, two RLOs are required for the removal. The duration of the trip should take into account flight times and any pre-removal preparation. This allows for appropriate rest breaks to be taken during the operation, ensuring one RLO is always alert and on duty.

If the trip is under 10 hours, there may still be situations where more than one RLO is required. In these situations, the financial delegate should consider whether it is an appropriate expenditure of public funds or an appropriate debt to the Commonwealth for the removee to incur. Refer to the [Costs not included in the removal or deportation liability](#) part of this SOP for further information. The financial delegate should record the requirement for more than one RLO in the International Travel Minute. Situations where more than one RLO may be engaged include:

- Where the duration of the removal is more than 10 hours
- When managing groups of removees with complicated travel arrangements
- Where the circumstances of the case are such that the risks during removal are heightened and additional resources are required to address the risks (e.g. where the DAA has concluded that the removee is likely to engage in inappropriate behaviour in-flight, or attract media attention in-flight, requiring ongoing liaison by RLOs with external stakeholders)
- Where there are no other accompanying escorts (the RLO is engaged due to the sensitivity of the case or the need for liaison but there are no security or welfare issues) and prolonged or complex transit arrangements require an officer to remain with the removee while another liaises with officials.

A second RLO may participate in a removal as part of the mentoring arrangement following participation in the RLO training program. If a second RLO is deployed primarily for training purposes, the Removal Officer should not attribute their costs to the removee's debt to the Commonwealth.

To request an RLO, contact Removal Operations Program Management team (s. 22(1)(a)(ii) @abf.gov.au).

Passport requirements

All RLOs are required to travel on an Australian official passport with at least six months' validity for the duration of the removal operation. This will assist to identify the RLO as an officer of the Department on official duty, particularly in any dealings with foreign officials and airline staff.

3.6.4.2. Medical escorts

The ABF may use clinicians as medical escorts if clinically recommended by the DHSP, to ensure the removee's health.

The Health Discharge Summary (HDS) process will recommend whether or not a medical or mental health professional is required for the removal. The ABF should only employ medical escorts on the advice of the DHSP and should source them from the Department's contracted health services provider. The ABF must use medical escorts if they are recommended in the HDS.

Medical escorts must not at any stage be left to accompany a dangerous (as defined in the ATSR) removee by themselves or have any role in security matters.

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There are several factors which may determine a removee's need for a medical escort, including a physical or mental health condition which requires support and/or a significant history of self-harm.

If the health professional undertaking the detainees FTTA recommends a medical escort during travel or airline security deems provision of a medical escort during travel necessary, the Removal Officer is to arrange this to ensure the proper care and support of the removee. Removal Officers request medical escorts through the DHSP (s. 22(1)(a)(ii) @primaryhsa.com.au) and copy in Detention Health s. 22(1)(a)(ii) @abf.gov.au, with an attachment of the HDS and a brief summary of the case.

Medical escorts are tailored to the requirements of a case. They should be appropriately qualified to closely observe the removee and provide necessary medication and nutrition. Medical escorts must be provided if it has been recommended by the medical professional undertaking the HDS. The Department's Detention Health Service Provider is contracted to deliver medical escort services for this purpose. Third party or subcontracting arrangements will not be considered, and all medical escort tasks must be undertaken in accordance with this contract. Any variation to this agreement may result in risks to insurance, indemnity, billing and other reputational impacts in relation to the operation. Onshore Health Contracts Section must be contacted if there are any additional requirements of the health service provider (s. 22(1)(a)(ii) @homeaffairs.gov.au).

Airlines are advised by a Removal Officer of the requirement for medical escorts. Information is provided in [Form 1: Notice of proposed movement of a 'person in custody' \(PIC\)](#) and where applicable, the airline's medical form (MEDIF) is attached. The MEDIF form is completed by the HSP. Timeframes should be specified so that this arrangement does not jeopardise departure plans.

3.6.4.3. Welfare escorts

If the removee requires support of a non-medical nature, a professional with appropriate welfare qualifications may provide this support. A Removal Officer may choose to use a welfare escort when removing:

- An UNC who may have difficulty coping with the logistics of a planned removal
- An UAM
- A family unit involving a minor, where it is anticipated that the accompanying parent's response during removal may distress the minor.

The Removal Officer must assess all available information concerning the removee(s) to determine whether they require a welfare escort. Only a suitably qualified person (e.g. a social worker or counsellor) should provide non-medical assistance such as welfare support or counselling.

Consultation with CWSC (s. 22(1)(a)(ii) @homeaffairs.gov.au) must occur where a minor is involved in the removal. Inclusion of an independent observer and the BIC considerations may be required. Removal Officers should consider the appropriateness of involving welfare agencies on a case-by-case basis, having regard to the needs of the removee, the services provided by any agency and any advice or recommendations from the contracted FDSP, DHSP or SRO. If specialist training is not required (e.g. when an UAM is voluntarily removed), the officer may consider using a credentialed ABF or departmental officer as a welfare escort.

Departmental and ABF officers escorting a minor are required to consider the National Child Safe principles and adhere to the obligations in accordance with the [Child Safeguarding Framework - PS \(BE-916\)](#), [Best Practice for Interacting with Children - PI \(BC-764\)](#), the [Employment Screening for Child-related Roles - PS \(DM-917\)](#) and the [Employment Screening for Child-related Roles - PI \(DM-930\)](#) to:

- Apply, obtain and maintain a working with children clearance and meet the requirements of the relevant state or territory child protection legislation

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- Sign the Child Protection Mandatory Behaviours Declaration (the Declaration) available from the [Employment Screening for Child-related Roles - PI \(DM-930\)](#).

As with medical escorts, welfare escorts must not at any stage be left to accompany a dangerous removee by themselves or have any role in security matters.

3.6.4.4. Airlines' own or contracted escorts

Removal Officers can consider using an escort provided by an airline or a contracted escort provider who is not the FDSP or DHSP. Circumstances where this type of escort arrangement may be required include, but are not limited to:

- If the FDSP is unable to provide escorts
- If uplift approval has previously been declined by other airlines
- If the removee has serious mental health issues
- If the removee has a history of self-harm, either threats or actual
- If there are criminal history considerations e.g. violent, sexual or recidivist offences
- If there are complex flight paths, transits or destination considerations (e.g. removee possibly claiming asylum, lengthy transit times or high risk/problematic countries).

When considering the use of airline or contracted escorts, Removal Officers must email a comprehensive business case outlining the proposed approach to their Inspector (EL1) for endorsement. When developing the business case, Removal Officers must consider and clearly articulate:

- The roles of the proposed escorts - are they engaged for security, medical or welfare duties?
- The escort party composition - a mix of FDSP, DHSP, RLOs and airline/contract escorts or airline/contract escorts only?
- Handovers requirements during international transit, if required
- Circumstances where the proposed airline insists on the use of its own escorts
- Escort processes that must be followed regardless of escort source (e.g. the OTRA or escort briefings)
- The powers or lack of powers available to airline/contract escorts who are not officers under the Migration Act
- Requirements to direct persons who are not officers under the Migration Act as security escorts
- Approval requirements for airline/contract escorts to carry/use restraints and/or bring restraints into Australia, if required.

Once the Removal Inspector (EL1) approves the business case to use an airline or a contracted escort provider, Removal Officers will need to:

- Request a quote from the airline or contractor - processes for obtaining quotes will depend on the airline or contractor providing the escort - officers should discuss with their supervisor in the first instance.
- Obtain financial delegate approval
 - o Draft the Procurement Plan and PGPA section 23 delegate approval in the [Procurement Portal](#) in Connected Services
 - o Send to the delegate for approval. For information on financial delegations, refer to: Part 2, Spending money and Part 3, Procurement in [Accountable Authority Instructions - PS \(FM-4808\)](#)

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- o Inform the airline or contractor of the approval and request an invoice.

Create a contract in the [Commonwealth Contracting Suite](#) online system

- o Attach the delegate approval and invoice
- o Send the contract to the airline/contractor to sign first
- o Send the contract to the delegate to sign second
- o Ensure all parties have copies of the complete signed contract.

Process the contract in easySAP

- o Enter the contract in the 'Enter/Amend Contract' easySAP page
- o Attach the signed contract, invoice and the delegate approval
- o After the contract is completed, EasySAP will auto generate a purchase order number
- o Ensure the purchase order number is added to the invoice
- o Complete goods receipting in the 'Goods Receipt' EasySAP page
- o Attach all documents to the goods receipt.
- EasySAP will workflow the completed contract to Finance Division which will arrange for payment of the invoice.

For further information, refer to the [Accountable Authority Instructions - PS \(FM-4808\)](#) on the PPCR or the [Procurement and contracts](#) intranet page.

3.6.5. Escort guidelines

Instructions for the escort are outlined in [General information for escorts](#) (ADD2008/932315). In addition to these instructions, the Removal Officer should make the following expectations clear in the pre-removal briefing:

- The identity of the removee is confirmed against their TD and other departmental records
- Security escorts must keep a 24 hour watch over the removee and continually assess their behaviour
- Removal Officers and security escorts are to keep the removee as separate from normal check-in arrangements as possible, to the extent allowed by the airport facility
- RLOs, security escorts and the removee are to observe all applicable government-mandated security-screening requirements prior to departure
- Security escorts are to identify themselves to the carrier's security personnel and flight attendants.

If the removal is aborted at any stage, escort officers should contact the point of contact in the [ODP](#) and, if required, escort the removee back to a place of held detention. For more information, refer to the Authority to abort a removal section in the [Authority to abort a removal](#) part of this SOP.

Security escorts, where possible and before seating the UNC, should search the area surrounding the aircraft seat assigned to the removee for items that could be used to jeopardise flight safety, noting that airlines may not permit this during the boarding process.

3.6.6. Escort conditions - non-departmental employees

3.6.6.1. Service requirements

Service requirements and conditions must be included in any agreement with the escort service provider or a deed/agreement with a voluntary contractor.

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Security escorts must not undertake recreation activities (e.g. shopping) and must not consume alcohol during the removal.

3.6.6.2. Rest periods for escorts

In removal operations that involve long international flights and extended transit stops, the Removal Officer must include rest periods for security and other escorts in the removal plan. Sufficient security escorts must be engaged to ensure that an adequate number of escorts are on duty at all times and rest breaks can be observed.

Three or more security escorts may be required for flights with transit stops and/or a total duration of more than 10 hours. Security escorts should rotate and take sufficient breaks during the removal operation. The minimum requirement for adequate rest requires escorts to take a break every five hours for at least 30 minutes, or take breaks in accordance with contractual arrangements in a deed or other agreement with the Department. Additional rest breaks should be negotiated between the RLO or lead escort and the individual officer during the flight.

Unless specified by the escort service provider, overseas rest periods for escorts after the final removal destination is reached should correspond with the overseas conditions of service for short-term missions.

If there is an operational requirement for the travel arrangements to be amended, the Removal Officer should make a decision to vary the return day or route in line with the Department's obligations under public accountability standards, and document the decision making process.

Escorts are not permitted to change the date or the route of travel for personal reasons, and are not authorised to contact the Department's travel provider or airlines to amend travel arrangements.

3.6.6.3. Overseas accommodation

The provided overseas accommodation will usually be 4-4½ star or equivalent in the vicinity of the airport for the period between flights, unless this option is not available.

All service provider escorts are entitled to an individual room. Under the transport and escort contract, ABF is responsible for booking and paying for domestic and international air transport and accommodation for escort and transport tasks.

3.6.6.4. Paying for accommodation - escorts

Removal Officers should book travel and accommodation for escorts through a reputable accommodation website (e.g. [Expedia](#)) or the Department's travel service provider. However, there may be situations where the travel service provider cannot book accommodation because no properties are available through their agreed travel partners. If the travel service provider advises this is the case, Removal Officers can book accommodation directly with a hotel and pay with their corporate credit card for that accommodation in one of four ways:

- **The hotel can invoice the Department:**
 - o The departmental travel arranger can request an invoice from the hotel to be sent to the Department

For more information on paying invoices, email Payments and Credit Card Management [s. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au).

- **The Department can make a direct payment into the hotel's nominated bank account:**
 - o The travel arranger should liaise with the travel service provider ([s. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)) with the account and contact details of the hotel
 - o Use of this option may be restricted by the time of the request

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- o Direct payments must be received by Accounts Payable by 1000hrs AEST.
- **The escort service provider pays for the accommodation (on corporate credit card or with cash) and their employer invoices the Department for the amount:**
 - o Liaise with Payments and Credit Card Management
s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:homeaffairs.gov.au).
 - o Receipts must accompany the invoice as proof of purchase (as per the deed)
 - o The escort may purchase the hotel accommodation on their corporate credit card or with cash, and invoice the Department for these expenses
 - o Officers requiring assistance with these options should liaise directly with the travel service provider or the Travel Unit.
- **The Removal Officer can pay for the accommodation using their corporate credit card:**
 - o Officers can seek approval from the Removal Inspector (EL1) to book accommodation directly with a reputable accommodation website (e.g. [Expedia](https://www.expedia.com)), using their corporate credit card
 - o Invoices are to be kept for credit card reconciliation.

Officers requiring assistance with these options can liaise directly with the travel service provider or the Travel Unit.

3.6.6.5. Travel insurance

For insurance purposes, there are three categories of security, medical and other escorts:

- Escorts as contractors, whose employers are paid by the Department to carry out escort duties and are expected to be covered by their own employer's insurance arrangements for compensable claims relating to those escort duties (e.g. the escort service provider/other security firms)
- Escorts as officers, as defined under subsection 5(1) of the Migration Act and as authorised by the Minister under the Migration Act, are covered for bodily injury, including death, as well as medical evacuation and other events under ComCover (through the Department), as long as the travel outside Australia is approved and funded by the Department
- Escorts who are police officers are covered for bodily injury, including death, as well as medical evacuation and other events under ComCover (through the Department), as long as the travel outside Australia is approved and funded by the Department.

For interpreters (who are regarded as accompanying passengers), other members of the escort party not covered by ComCover or employer insurance, Removal Officers will need to ensure that these individuals are either privately insured or covered under ComCare insurance, prior to engagement. For other insurance questions relating to removal escorts, email Removal Operations Program Management team (s. 22(1)(a)(ii) [@abf.gov.au](mailto:abf.gov.au)).

3.6.6.6. Passport and citizenship requirements

All non-departmental escorts (including security, medical, health, welfare escorts and interpreters) must have a current Australian passport with at least six months' validity for the entry and exit requirements of the removal destination.

If the Department employs security escorts to work on a segment of a removal that begins at a transit point and ceases at the final destination, or if the airline provides the escorts, there is no requirement that the security escorts be Australian citizens or travel on Australian passports.

Removal Officers must ensure that during the planning process, security escorts have the appropriate visas, including transit visas. This information must be provided to the relevant FDSP regional email address where

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the removee is located, as listed on the [Removal Operations Branch](#) SharePoint site, and be included with the Request for Service Form used to request transport and escort services.

3.6.6.7. Baggage allowance for escorts

The Department's preference is that escorts eliminate check-in baggage as much as reasonably possible, unless the escorts are required to carry restraints (which may be placed in checked-in baggage on a return flight). If escorts have check-in baggage, their handling of such baggage may distract from their supervision of the removee. The Removals Officer should advise escorts in advance to limit their check-in baggage to the greatest possible extent.

The standard baggage limit for security escorts is the carry-on baggage allowance only (seven kilograms). The escort service provider must advise the Department in advance if an escort will require check-in baggage or if they will be carrying restraints which will require checked baggage on the return journey.

3.6.7. Escort standards

3.6.7.1. Departmental standards

While working on an escorted removal, RLOs and other escorts must act in accordance with the Department's Professional Standards Framework and the [APS Values and Code of Conduct](#). Escorting officers who act outside the scope of their powers may expose themselves and the Department to legal liability.

3.6.7.2. General principles for escorted removal

Escorted removal must be safe, secure and respectful to the removee. Escorts are expected to:

- Accord the highest priority to the safety and security of the removee, escort officers, transportation company staff and the travelling public at all times
- Be mindful of any religious and/or cultural sensitivities of the removee
- Be mindful of any gender sensitivities
- Be mindful of the sensitivities around any minors being removed
- Conduct themselves in a professional and respectful manner that reflects well on the ABF and the Commonwealth of Australia
- Undertake removal in accordance with any relevant national or international laws and regulations
- Provide each removee with regular meals and refreshments, taking into account dietary and religious requirements where practicable
- Provide access to professional medical care when required and practicable
- Not take the removee into any shops, including duty free shops, during the removal
- Not take the removee into any airport airline lounge
- Not divulge personal information about the removee or any information about any migration-related applications (e.g. visa applications) the removee may have made in Australia, other than where the removee consents or the disclosure is otherwise authorised. Refer to the [Removal from Australia \(BC-7202\)](#).

Refer to the [Roles and responsibilities of security escorts](#) part of this SOP.

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3.6.7.3. Lead security escort

The escort service provider should nominate a lead security escort to take sufficient notes to complete an [Escort's Removal Report](#) (ADD2008/849043) upon completion of the removal, or immediately upon return to Australia.

3.6.7.4. Escort responsibilities

If unforeseen difficulties occur during the removal that changes the itinerary or increases the risk factors, escorts should immediately consult with the ABF removal contact listed in the [ODP](#). The risks that may be associated with a travel route or destination are generally defined by the Department of Foreign Affairs and Trade (DFAT) in their Smartraveller system. DFAT use a four tier system to identify risks for most locations. The top two categories are 'Do Not Travel' or 'Reconsider your need to travel' locations and are deemed 'High Risk'.

Escorts are not to make their own itinerary changes. Escorts should arrange to have the agreed itinerary amended only after consultation with and approval by the ABF.

Refer to the section regarding authority to abort a removal in the [Authority to abort a removal](#) part of this SOP. Any approved changes must be recorded in TRIM by the Removal Officer.

If it is necessary to remain one night or more in a transit country, the escorts will provide the removee with appropriate food and lodgings. This will be arranged by the Removals Officer.

All removee property should remain in the care of the FDSP or escort at all times. Escorts should obtain a receipt signed by the removee for their property and medication following property handover, at the time of handover (if medication) or at the handover destination, noting that the removee may refuse to sign. Refer to the [Baggage and property](#) part of this SOP.

3.6.8. Escort briefing

Removal Officers should brief escorts for involuntary removal, complex and sensitive removal operations, including those involving RLOs. The security escorts, medical escorts and RLO briefing should take place several days prior to the expected removal date. If this is not practicable because of complexities, sensitivities, uncertainty regarding flights, travel documentation or that the removal can be achieved sooner than expected, the briefing should take place (by phone if necessary) at least 48 hours prior to removal.

If the removal has been classified as sensitive or complex, there may be several briefings in the weeks leading up to the removal date to communicate all relevant details, manage risks and advise escorts of contingency plans.

The Removal Officer must provide security escorts with an overview of a removee's history and any relevant issues relating to behaviour and demeanour in the period preceding their departure. The overview should include the removee's anticipated behaviour on the day of removal and progress made with preparations for the removee's removal, including assessment of baggage, an update on involvement in any litigation and assignment of a community advocate (if applicable).

Removal Officers should arrange a thorough briefing with escorts in an appropriately secure and discreet environment prior to departure. The briefing must address:

- The Department's explicit expectations regarding conduct both in-flight and in-transit
- The profile and history of the removee, including but not limited to recent intelligence regarding their mood/behaviour/needs
- Any information relating to a Post-arrival Care Plan and post-removal support payment, if applicable
- That a copy of the [ODP](#) has been emailed to security escorts at least two days prior to departure
- Contingency arrangements that will apply if travel arrangements are adversely affected or the removee's health deteriorates

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- The service provider's escort reporting requirements during the process and the ABF's final reporting requirement
- Whether restraints will be necessary during the removal process.

3.6.9. Risk management tools

3.6.9.1. Overseas travel risk assessment (OTRA)

The purpose of an OTRA is to identify personal security and safety risks, and propose mitigation treatments for officers and escorts traveling to high risk destinations. The OTRA informs the delegate of the identified risks to allow an informed decision as to whether they accept or reject the risks, and the subsequent removal operation proceeding.

OTRAs are drafted and completed by Removal Officers to support removal operations to high risk destinations. The process for completing an OTRA, and the risk management fundamentals, can be located within the "OTRA Process Guide" at [ADD2024/102482446](#).

The OTRA templates and process guide are maintained and updated as required by the Removal Operations Program Management team, and can be found at [ADF2024/473156](#).

For further advice and/or assistance with completing an OTRA, consult with the Removal Operations Program Management team ([S. 22\(1\)\(a\)\(ii\)@abf.gov.au](#)).

3.6.9.2. Operational departure plan

The [ODP](#) (ADD2016/1039055) is a critical risk management tool which describes how a removal will be executed and resourced, and will include information on logistical considerations and sensitivities, communication strategy and key contact details. The [ODP](#) is a [C3](#) doctrine compliant template, can be replaced by an ABF Operational Plan for charter operations or modified for removal operations identified as high risk/complex. Information and contacts specific to the removal region are added to the [ODP](#) as required.

An [ODP](#) is required for all escorted removals (voluntary and involuntary).

[ODP](#) is where all the removal risks are identified and risk management strategies are articulated.

When developing an [ODP](#), ensure the following checks and balances for the management of risk are applied:

- Removal Officers verify that identity issues are resolved
- Undertake a full review of the case – both the file and other systems checks
- Engage with person(s) to improve co-operation and understanding of the process
- Seek advice to obtain prompt assistance with complex TD or removal planning issues
- Plan, liaise and communicate often with colleagues to obtain a current view of the case
- Plan and manage timeframes appropriately
- Evaluate and plan appropriately for issues identified in the HDS, FTTA, Detention Services Provider (DSP) assessment, DAA and information from the CCMD/status resolution service
- Consider whether all international obligations have been addressed, and if necessary, PRC obtained
- Ensure appropriately skilled escorts are utilised
- Ensure high level of involvement and liaison with variety of stakeholders for complex removals

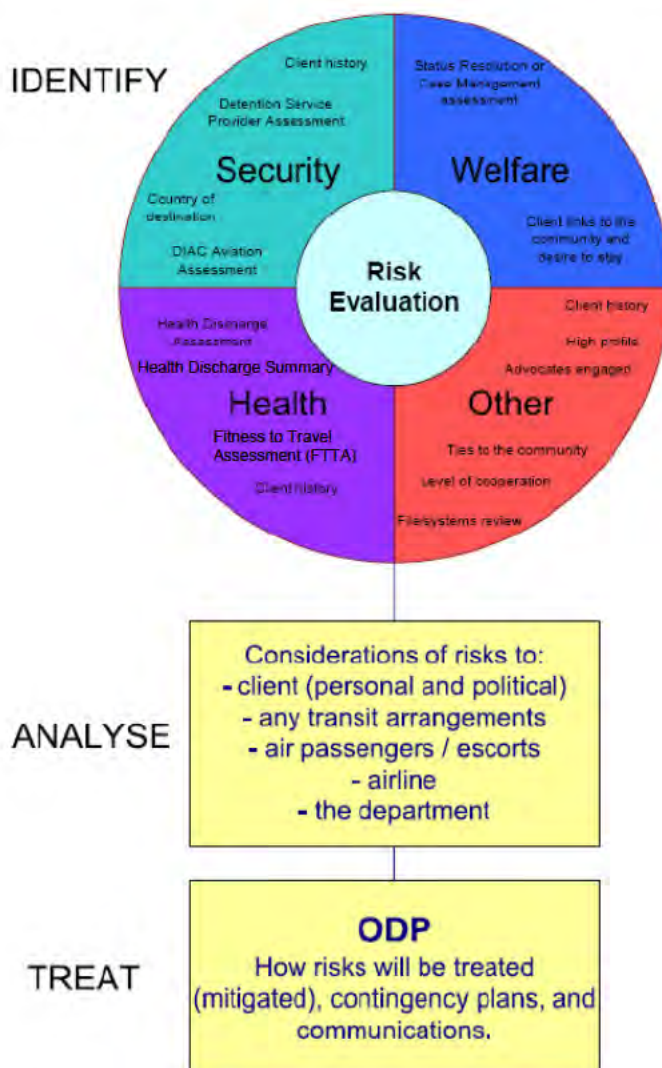
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- Appropriate PRS (if any).

The following diagram represents the role of the [ODP](#) in managing risk.

Role of Operational Departure Plan in Risk Management



Monitoring and reporting ensures the risks and risk management plan remains relevant, valid and flexible. Regularly reviewing the assessments and implementation provides a sound basis for making further decisions.

Removal Officers must save a copy of the [ODP](#) in TRIM and link it to the case in the 'Returns and Removals Onshore Compliance CCMD portal service. Escorts should carry a copy of the plan during the removal operation. The [Removal from Australia - Guides - SM \(BC-7205\)](#) provides advice on how to complete the [ODP](#).

Officers should be aware of the provisions in Part 4A of the Migration Act regarding identifying information when completing an [ODP](#). Section 336C of the Migration Act provides that access to identifying information is an offence unless the person is authorised under section 336D to access the identifying information for the purpose for which the person accessed it. Section 336E of the Migration Act provides that the disclosure of

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identifying information is an offence unless the disclosure is a permitted disclosure for the purposes of subsection 336E(2) of the Migration Act.

For policy and procedure on disclosure, refer to the [Removal from Australia - PI \(BC-7202\)](#).

For more information and guidance on operational planning, email Removal Operations Program Management team (s. 22(1)(a)(ii) [@abf.gov.au](#)).

3.6.9.3. Escort operational orders (EOO)

The FDSP arranges trained security escorts for removal operations. They will prepare an Escort Operational Order (EOO) for each escorted removal. The EOO outlines the chronological steps of the operation, procedures and contingency planning, and must be attached to [ODP](#). Refer to the [Removal Operations Branch](#) SharePoint site for the list of relevant FDSP regional contacts.

3.7. Health and medical considerations

Removal Officers must ensure removees are FTTA and appropriate medical supports are in place for all removals.

Removal Officers must consult [Detention Health: Health Discharge Assessments - PI \(DM-5261\)](#) and [Detention Health: Fitness to Travel Assessments - PI \(DM-5028\)](#) for detailed information on:

- The Health Discharge Assessment (HDA), which informs the HDS
- The FTTA, which is either complementary to the HDS or a standalone document
- Medical escorts
- Administration of medication
- Supplies of medication
- Pregnancy
- If an UNC has a communicable and/or notifiable disease (including COVID-19)
- If an UNC has been found not fit to travel
- Passenger medical clearance forms
- Receiving and transit country restrictions on certain medications.

Removal Officers must request an HDA and a FTTA from the DHSP or HSP (particularly in the case of removals directly from an Australian correctional facility). The HDA produces a HDS but does not always include the FTTA. The HDA/ HDS/ FTTA must be valid for the full duration of the removal to the country of destination.

The HDA/ HDS/ FTTA will form part of the supporting evidence required for MCP10 which must be completed prior to all removals. For information on completing the MCP10, refer to the RAA guide in the [Removal from Australia - Guides - SM \(BC-7205\)](#).

Additionally, the FTTA will form part of the information required to be provided under the ATSR to the aircraft operator. For information on uplift approval, refer to the [Uplift approval](#) part of this SOP.

For medical specific operational support or where a FTTA recommends the use of a medical escort, Removal Officers must engage as early as possible with Detention Health Operations (s. 22(1)(a)(ii) [@abf.gov.au](#)).

For further guidance or clarification regarding the content of health policies as it relates to removal, contact Detention Health Policy and Program Support ([health@homeaffairs.gov.au](#)) and copy in (s. 22(1)(a)(ii) [@abf.gov.au](#)).

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For detainees, the DHSP will undertake a health assessment of the detainee upon reception; refer to the [Detention Health: Health Screening and Management – PI \(DM-6138\)](#) for more information. As part of any removal, the DHSP will assess the detainee's health and fitness to travel, and assess any health concerns that may require a medical escort and/or post medical care in the detainee's country of origin. For more information, refer to the [Detention Health: Fitness to Travel Assessments – PI \(DM-5028\)](#) and the [Detention Health: Health Discharge Assessments – PI \(DM-5261\)](#).

3.7.1. Guardianship

Removal Officers are required to determine if the UNC has any legal guardians appointed by a court for immigration matters or similar decision making proceedings. If such guardians exist, the Removal Officers must consult with them to discuss the UNC's immigration status.

Furthermore, the DHSP may make a clinical assessment that the UNC lacks the capacity to provide informed consent relating to their immigration pathway and/or any proposed health services and recommend that a guardian be appointed. For more information on informed consent, refer to the [Detention Health: Privacy, Consent and Medical Records – PI \(DM-5925\)](#). A guardian must be appointed before proceeding with any removal actions. UNC's must comprehend the information provided by the Department about the removal process and its consequences. For further information about Guardianship appointment refer to the [Detention Services Manual - Minors and guardianship - Guardianship \(Adults\) – PI \(DM-612\)](#) and Guardianship responsibilities in relation to UAMs refer to the [Immigration \(Guardianship of children\) Act 1946](#) part of this SOP.

3.8. Removal of family and minors

When a removee is a minor, or if a minor child will be affected by an individual's removal, Removal Officers will need to be aware of and refer to the [Best Interests of the Child - PS \(DM-5721\)](#) and the [Best Practice for Interacting with Children - PI \(BC-764\)](#) when reading and implementing this SOP. The Department upholds Australia's international human rights obligations by requiring that the consideration of the best interests of children be a primary consideration in departmental decisions and actions, where there is scope to do so.

Removal Officers should refer to the legislative and policy frameworks in the [Removal of unaccompanied non-citizen minors from Australia - PS \(SM-5038\)](#) when managing unaccompanied non-citizen minors who have no lawful authority to remain in Australia.

Officers planning the removal of a family or minor, or an individual who has a child in Australia or has significant caring responsibilities or guardianship of a child in Australia, share a responsibility with other departmental workers and contracted service providers to consider their health, safety and wellbeing. Consideration of obligations under the Migration Act are made in conjunction with departmental policy articulated in the [Child Safeguarding Framework - PS \(BE-916\)](#).

Child Wellbeing Officers (CWOs) assist officers to meet child safeguarding obligations by providing advice, training and oversight. Removal Officers must engage early with the CWOs when removal planning starts for a non-citizen child accommodated in Residence Determination. The CWO network offers nationwide coverage, with representative contacts responsible for selected states and territories available in the [2020 Child Wellbeing Officers Contact Details](#) (ADD2020/4136574).

Planning a removal involving a minor may involve additional stakeholders. Removal Officers must contact CWSC s. 22(1)(a)(ii) @homeaffairs.gov.au for advice before proceeding with removal planning.

To ensure the relevant child safeguarding and BIC considerations are adequately assessed, Removal Officers must not unduly delay the removal of families and minors and must progress the removal as soon as reasonably practicable.

For information regarding child related obligations, refer to:

- [Child Safeguarding Framework - PS \(BC-916\)](#)
- [Best Practice for interacting with Children - PI \(BC-764\)](#).

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3.8.1. Removal of dependants of removed UNC's or dependants of deportees – overview

Under sections 199 and 205 of the Migration Act, Removal Officers can remove the spouse/de facto partner and/or a dependent child/children of an UNC (even if the spouse/de facto partner and/or child/children are Australian citizens or LNC), if either:

- An officer removes, or is about to remove an UNC and:
 - o The spouse/de facto partner of the UNC makes a request to an officer to also be removed from Australia, or
 - o The spouse/de facto partner of the UNC makes a request to an officer to also be removed from Australia with a dependent child/children of the non-citizen, or
 - o The non-citizen requests an officer to remove a dependent child/children of the non-citizen, or
- The Minister makes or has made an order for the deportation of a non-citizen and:
 - o That non-citizen has a spouse/de facto partner and the spouse/de facto partner requests the Minister to also remove them, or them and a dependent child/children, or
 - o That non-citizen does not have a spouse/de facto partner but does have a dependent child/children and requests the Minister to also remove the dependent child/children.

Refer to the [Removal from Australia - Guides - SM \(BC-7205\)](#).

3.8.2. Request for removal by a family member under sections 199 or 205 of the Migration Act

If an Australian citizen or lawful non-citizen family member (refer to definitions of 'lawful non-citizen' and 'member of the family unit' in subsection 5(1) of the Migration Act), asks to accompany a removee or deportee, the Removal Officer should, to enable informed decision-making, interview the family member separately from the removee or deportee to explain the process and consequences of 'removal'. Removal Officers are to inform and explain to the family member and the removee or deportee the relevant exclusion period provisions that may apply to the removee or deportee.

The Removal Officer should advise the family member that:

- The family member is responsible for obtaining TDs for themselves and any child/children travelling with them
- If required, they will be expected to obtain evidence of custody arrangements and permission for their child to leave Australia. For further guidance on evidence of custody, refer to the [s5G - Relationships and family members - Custody \(parental responsibility\) for minor children - PI \(VM-3066\)](#)
- The family member will be liable to pay the Commonwealth for expenses incurred in respect to their removal. Refer to the [Liability to repay removal and deportation costs](#) part of this SOP.

Removal Officers are expected to assess the family's financial status to determine whether the family can afford to fund their own travel arrangements. This should include requesting documentary evidence of bank accounts and other assets or liabilities.

Removal Officers must also establish the relationship between the removee or deportee and any child dependants. Under policy, only biological and adoptive children of the UNC may be removed under section 199 of the Migration Act. Stepchildren are not considered dependants of UNC's for the purposes of section 199. For more information, refer to the [advice about removing stepchildren under s199](#) (ADD2015/1748525).

Removal Officers must take interview notes and save them in TRIM and departmental systems, including the CCMD portal. They should also record a summary note of the interview on departmental systems and provide this note to the SRO.

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Spouse/de facto partners and dependants of UNCs awaiting removal or deportation (sections 199 or 205 of the Migration Act) may in some cases be Australian citizens.

Removals involving children must be conducted with consideration of:

- Family Court directions - refer to the [Removal from Australia - Establishing Liability and Availability - SOP \(BC-7203\)](#)
- PPCR documents - [Best Interests of the Child - PS \(DM-5721\)](#) and [Removal from Australia - Establishing Liability and Availability - SOP \(BC-7203\)](#), and
- Related child protection policies and conventions.

Sections 199 and 205 do not require that requests for removal from spouse/de facto partners or dependent children be in writing. However, as a matter of sound administrative practice, Removal Officers should ask family members to make such requests in writing. The following forms can be used:

- [Request by partner for removal of self \(and dependants\)](#) (ADD2017/1930431), or
- [Request by removee for removal of dependants from Australia](#) (ADD2017/2287828).

Removal Officers should prepare and provide a formal Minute to the relevant Chief Superintendent or Commander seeking support for each discretionary decision under sections 199 and 205, to remove the spouse/de facto partner and/or dependants (including Australian citizens) and to approve any expenditure as the [Public Governance, Performance and Accountability Act 2013](#) (PGPAA) subsection 23(3) goods and services delegate. In all actions concerning children, the BIC must be treated as a primary consideration.

The Minute must be referenced in the removee's MCP10 RAA and in the notes section of their 'Returns and Removals' service in the CCMD portal. Refer to the [Removal from Australia - Guides - SM \(BC-7205\)](#) for guidance.

3.8.3. Consequences for Australian citizens who are removed

There are no consequences for Australian citizen spouse/de-facto partner and/or children removed in accordance with subsections 199(2) and 199(3) in terms of their ability to return to Australia. Australian citizens have a common law right to enter Australia and this right has not been altered by legislation.

Note: *Australian citizens removed under subsections 199(2) and 199(3) are considered to have been 'removed'. This may affect their eligibility for visas to travel to and/or enter other countries.*

If an Australian citizen spouse/de-facto partner and/or children are removed, the adult removees/deportees are liable to pay the Commonwealth the costs of their removal in accordance with section 212 of the Migration Act.

For further information on liability for removal costs, refer to the [Removal and deportation costs](#) part of this SOP.

3.8.4. Exercising discretion under sections 199 and 205

Where a member of the family has an outstanding protection visa application (including any ongoing merits or judicial review), the Department will not actively progress the removal of any individuals within the family unit until the application is finalised. This is to enable a thorough consideration of the duration and impact of possible separation of the family consistent with international obligations.

Removal Officers (in consultation with their Supervisor (APS6) or Inspector (EL1)), must consider the BIC and other relevant international obligations when determining whether to exercise discretion under sections 199 and 205 and in the course of removal planning, so that such considerations inform how and when the removal is progressed.

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Under Article 3 of the *Convention on the Rights of the Child* (CRC), the BIC must be considered as a primary consideration in all actions or decisions concerning a child. This includes both removal of children and cases where the removal of an adult affects a child (e.g. removal of the parent of a child in Australia).

Whilst there are no strict criteria against which the BIC could be considered, the principles in the CRC can inform what is meant by a child's 'best interests'. As Australia is a party to the CRC, those principles should be applied when assessing the child's best interests.

Additionally, factors to be considered when exercising a discretionary power regarding a child include:

- The child's age and the degree of their integration into the Australian community
- The child's ability to resettle and integrate in the country to which they will be removed
- Whether the child would be afforded the rights provided for in the CRC in that country
- The degree of family or other support available to the child in Australia, contrasted with support available in the country to which they will be removed
- The conditions in that country, including the educational facilities and the standard of health support
- The views of the child; these should be taken into account and given due weight in accordance with the child's age, maturity and level of understanding.

When exercising a discretionary power affecting a family member, primary care giver or a person who has claimed responsibility for a child, the following factors should be considered:

- The nature of the relationship with the child
- The duration of the relationship, including the number and length of any separations and reason(s) for the separation
- Whether the child is an Australian citizen or permanent resident
- The likely effect on the child of any separation from the person, including the family or other support available to the child if the child were to remain in Australia and the person was removed to their country of citizenship
- The child's degree of integration into the Australian community and, by contrast, the child's ability to enter, reside, adapt and integrate if the child were to be removed with that individual
- The views of the child should be taken into account and given due weight in accordance with the child's age, maturity and level of understanding
- Any other factors which may be relevant to the particular case.

It can generally be assumed that the parent has considered the BIC when making the decision to request removal from Australia, where there is no evidence before the Department to suggest that the parents are not acting in the BIC.

In any removal planning involving children, Removal Officers should consider the BIC by referring to:

- The need for appropriate reception arrangements and contingency plans at the destination, particularly if the child is an UAM
- Cultural or religious considerations relating specifically to children or adolescents that may relate to the removal
- The impact that removal would have on the child's education (e.g. if removal was scheduled a few days or a week before the end of a school year)
- The appropriateness of escort arrangements for removals involving children, particularly for UAMs

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- Ongoing health and welfare issues, including housing or education, that may not be adequately met in the country of return or that might temporarily delay removal
- Whether there any other children affected by the removal with whom the removee has a significant relationship (e.g. an informal carer or sibling).

This is not an exhaustive list of elements to consider. When planning removals, Removal Officers should consider a child's situation with reference to the child's particular needs, the circumstances of the removal and the prevailing situation in the country of return.

CWSC is available to provide advice and guidance to business areas on any immigration cases or operations involving children. CWSC have Child Wellbeing Officers (CWOs) located in state offices who provide national coverage.

In considering the BIC when planning removal, a Status Resolution or Removal Officer is expected to have reviewed relevant information and reached a position on how removal may impact the child.

It is possible to arrive at a position that a course of action is not in the BIC and for the child's best interests to be outweighed by another consideration, on balance.

Note: *It is not required that the officer determine definitively whether or not a removal is in the BIC.*

CWSC will review the information the Removal Officer compiles and advise if there are any additional factors that the Removal Officer should consider. Removal Officers are welcome to make contact with CWSC s. 22(1)(a)(ii) @homeaffairs.gov.au at any time during the removal planning process to seek guidance or clarification.

3.8.5. Criteria for engaging Child Wellbeing Strategy and Capability section (CWSC)

Removals Officers may engage with CWSC for advice, quality assurance and review of BIC considerations in the cases of:

- All UAMs
- Accompanied minors being involuntarily removed as part of a family group
- Cases in which a child has a close relationship with the individual being removed involuntarily and the child will remain in Australia
- Cases in which removal is voluntary, however the child has stated they do not want to return with their family
- Cases in which there is a possibility that the child and the parent may be permanently separated due to the removal activity (e.g. the child has substantiated protection claims against the country to which the parent is being removed).

Note: *In these circumstances, a referral must be made to the Refugee and International Law section s. 22(1)(a)(ii) @homeaffairs.gov.au.*

Removal Officers must contact CWSC where cases involve child safeguarding concerns or have unresolved child protection matters, regardless of whether the planned removal is voluntary or involuntary, noting:

- An unresolved child protection matter can include children placed in the care of a state or territory child welfare authority, where an application for a child protection order has been made and/or there are outstanding Children's or Family Court proceedings involving the removee
- Removal Officers are advised to seek verification of care arrangements for a child in state or territory care, or where an application for a child protection order has been made, by engaging with the relevant CWO
- Removal Officers are to document the details of how they have considered the BIC and their current circumstances.

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Note: When documenting when and how the best interests of minors have been considered, Removal Officers should take care to use accurate language.

Example:

On xx/xx/xxxx, the best interests of Mr X's children were a primary consideration in the planning of his removal. When weighed against other primary considerations, including the risk to the community and the integrity of the migration program, further action [i.e. a referral/no further action] was deemed to be necessary.

Further advice can be sought from CWSC (s. 22(1)(a)(ii) @homeaffairs.gov.au).

3.8.6. Identifying removals under section 198 where child rights and rights relating to the family unit have not been assessed

While the BIC must be considered when planning removal, Article 3 of the CRC requires that best interests be a primary consideration, not **the** primary consideration. Other primary considerations may outweigh the BIC (e.g. the integrity of the migration program and the security of the Australian community). The Minister may consider Australia's international obligations relating to the BIC when exercising of the Minister's personal power to grant a visa under section 195A of the Migration Act.

The removal of a minor or their family members may also engage the prohibition on arbitrary and unlawful interference with the family, and the obligation to protect the family as the fundamental group unit of society, under articles 17(1) and 23(1) of the *International Covenant on Civil and Political Rights* (ICCPR). The Minister may also consider these obligations when exercising the Minister's personal powers.

Prior to further removal planning, Removal Officers should consult with the SRO regarding a MI referral for cases that may engage these obligations where:

- The BIC and the principle of family unity have not been considered at all prior to removal planning
- The BIC and the principle of family unity have been considered (e.g. as part of a cancellation decision), but that decision was made a long time prior to removal planning
- The BIC and the principle of family unity have been considered (e.g. as part of a cancellation decision), but the personal circumstances of the child or the family members have changed significantly (e.g. the birth of a subsequent child in a family unit).

The MI team refer cases to the Minister for consideration under sections 195A and/or 197AB of the Migration Act. The public interest powers are non-compellable, that is, the Minister is not required to exercise these powers.

Family units with children under 18 years old should not be separated during the removal process. Where practicable, Removal Officers will always try to coordinate the removal of a family unit at the same time and from the same location. In circumstances where the family members cannot be removed together and the removal will result in temporary separation of the family unit, the Removal Officer must demonstrate that considerations relevant to the BIC and the family unity principle have been taken into account. For further advice on such cases, email CWSC (s. 22(1)(a)(ii) @homeaffairs.gov.au).

Note: The obligations under the ICCPR and the CRC in relation to the family unit and BIC do not amount to a right to remain in Australia if a person has no other lawful authority to stay, but must be taken into account when arranging the removal.

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3.8.7. Removal of children and guiding principles

3.8.7.1. International obligations

The removal of minors must comply with all international obligations. For further information, refer to [Best Practice for Interacting with Children - PI \(BC-764\)](#), and [s5G - Relationships and family members - best interests of minor children - PI \(VM-3057\)](#).

3.8.7.2. Principles Considerations

The following are guiding principles for the treatment of minors involved in or affected by removal:

- Removal Officers are to consider:
 - o Age
 - o Level of understanding and maturity
 - o Sex
 - o Cultural background, including medical or religious requirements.
- Removal Officers must consider Australia's obligations under the CRC when planning removal of minors, including that:
 - o The child's best interests is a primary consideration
 - o The child's views should be taken into account
 - o Removal Officers must take appropriate measures to prevent minors being separated from their parents.

Where it is determined that a removal will result in a child being left without a guardian, or a removee's child is identified as being under the care of a State or Territory welfare authority, Removal Officers must refer the case immediately to CWSC (S. 22(1)(a)(ii) @homeaffairs.gov.au).

When interviewing minors, Removal Officers should refer to the [Independent Observer for Interviews involving Minors – PS \(DM-6506\)](#) and the [Independent Observer for Interviews involving Minors – PI \(DM-6505\)](#).

In any situation where a removee or deportee is a parent and requests that their child/children be removed with them, Removal Officers must consider custody arrangements. The Removal Officer must notify any other person with custody of the child/children, whether onshore or offshore, of the whereabouts of, and any removal arrangements for, the child/children. If the Removal Officer cannot locate custodial parents, they need to demonstrate that they have taken reasonable steps to trace the parents before removing the child. They must be satisfied that appropriate support mechanisms are in place in the country of return. Removal Officers must take steps to minimise any negative impacts that might occur as a result of an interaction between the Department and a family or child by:

- Ensuring the family unit remains together, where possible
- Progressing cases expeditiously to avoid stress caused by delays
- Interacting respectfully with a parent in the presence of a child
- Ensuring the child is able to practise their religion, and
- That the removal accommodates the needs of school age minors as far as possible.

Removal Officers must take into account whether the child's immigration status is different from the immigration or citizenship status of their parents and/or siblings (e.g. if the child is an Australian citizen).

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3.8.8. Voluntary request for removal - minors

The parents or legal guardians of an UNC child may request removal in writing on behalf of a child for whom they have parental responsibility. It is preferred that each parent sign the [RFR](#) form on behalf of the child to demonstrate their agreement to the removal. However, the removal can proceed even if only one parent signs unless there is a court order preventing the child from leaving Australia. Even where removal is voluntary, BIC considerations need to be addressed (i.e. availability of support in the country of return, willingness and voluntariness of the child).

If a request for removal has been made on behalf of a child by only one parent and no agreement from the other, Removal Officers must seek legal advice from MCLS ([s. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](#)).

3.8.9. Removal of an Australian-born dependent child - one parent unidentified

Removal Officers may need to plan the removal of an UNC who has an Australian-born dependent child whose other parent is unknown to the Department. After all reasonable efforts to identify the Australian born child's other parent have failed (including interviewing the parent and Litigation Branch checks with relevant courts), removal of the child under the provision of sections 199 or 205 of the Migration Act is possible and does not constitute a statement about the child's nationality. If the parent being removed does not request that the child be removed with them (as their request is required under sections 199 and 205), Removal Officers are to contact MCLS ([s. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](#)).

3.8.10. Unaccompanied minors (UAMs)

3.8.10.1. Immigration (Guardianship of Children) Act 1946

Under the [Immigration \(Guardianship of Children\) Act 1946](#) (the IGOC Act), the Minister may be the guardian of certain non-citizen minors who arrive in Australia unaccompanied.

For further information on these responsibilities or on the guardianship of minors, refer to [Guardianship](#) part of this SOP, [Guardianship of certain non-citizen minors - PS \(VM-6457\)](#) or contact Unaccompanied Humanitarian Minors (UHM) and Guardianship ([s. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](#)).

3.8.10.2. Removal planning

When planning the removal of an UAM, Removal Officers must take into account the child's individual circumstances, guardianship and all available information. If the UAM is an IGOC minor, the IGOC delegate must be notified and consulted as part of the removal process. IGOC delegates are responsible for overseeing care and welfare decisions related to the IGOC minor.

Immediate support, reception arrangements, including family reunification or the assistance of local welfare authorities in the country the UAM is being removed to, are important considerations in the planning for the removal. While all removals should be progressed quickly and efficiently, where a UAM has requested removal for the purposes of family reunification, Removal Officers must give particular attention to ensure the request is managed in a positive and expeditious manner. Removal Officers must also:

- Explain removal arrangements to the UAM in the presence of an independent person, taking into account their age, mental capacity and any special communication needs
- If the Department in Australia is unable to trace family members, seek assistance from the Post in country and, if necessary, from local welfare authorities
- Deal with health, welfare and special needs relating to the child and seek assistance from qualified persons if necessary.

Removal Officers should refer to the legislative and policy framework in the [Removal of unaccompanied non-citizen minors from Australia - PS \(SM-5038\)](#) when managing UAMs who have no lawful authority to remain in Australia.

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3.8.11. If an Unauthorised Maritime Arrival (UMA) is a minor and requests removal

An UMA who is detained under section 189 must be taken to a regional processing country (Nauru) as soon as reasonably practicable under section 198AD of the Migration Act, unless an exception in sections 198AE, 198AF and 198AG applies. For further information on voluntary removal of UMAs, officers may refer to the [Removal from Australia - Establishing Liability and Availability - SOP \(BC-7203\)](#).

A determination may be made under section 198AE of the Migration Act that section 198AD does not apply to an UMA if:

- He or she was not a person to whom section 198AD of the Migration Act applied, would be a person to whom subsection 198(1) of the Migration Act would apply in that he or she has made a request in writing to the Minister to be removed from Australia; and
- Has a right of entry to the country to which he or she has asked to be removed which the Department is satisfied can be exercised; and
- Has not made, or has withdrawn, any claims for Australia's protection; and
- Remains cooperative to the Department's satisfaction in all aspects necessary to effect his or her removal.

An UMA may be voluntarily removed from Australia (and not taken to a RPC) where the conditions above are met.

In removing an UMA from Australia, particular attention should be given to post-removal care arrangements.

The relevant Consulate in Australia can also provide assistance particularly in matters of identity verification and confirmation of guardianship arrangements for the minor.

Minors are also generally accompanied on the flight by a departmental RLO (unless they are travelling as part of a family group).

When interviewing an UMA (who is a minor) and in relation to removal, Removal Officers should refer to the [Independent Observer for Interviews Involving Minors – PS \(DM-6506\)](#) and the [Independent Observer for Interviews Involving Minors – PI \(DM-6505\)](#).

If the UMA is required to remain in Australia for the purpose of the administration of criminal justice, a CJSC is required in order to stay their removal refer to the [Criminal Justice Visas Guidelines – PI \(VM-1030\)](#).

3.8.12. Illegal foreign fisher minors

Specific procedural guidance on the processes for the detention and removal of IFF minors and their 'minders' who are brought into, apprehended in, or detained in the migration zone are covered in [Detention Services Manual - Illegal foreign fishers - Illegal foreign fishers - PI \(DM-590\)](#).

3.8. Notifying stakeholders of the removal

3.9.1 Who and when to notify of removal

Removal Officers must consider when and which stakeholders need to be notified of a scheduled removal. Each removal must be assessed on case-by-case basis, not all stakeholders listed below will be applicable to all removals and there will be stakeholders not listed below who require notification. The following outlines the most common stakeholders who require notification:

- Departmental airport staff (transit(s) and departure point) are notified by:
 - o Emailing a summary of the removal (e.g. names of removee/escorts, expected arrival/departure times, flight number and any possible action required by airport staff), providing at least 48 hours' notice, preferably more.

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- Some transit points may require a longer notification period in accordance with Memorandum of Agreement (MOA) or Memorandum of Understanding (MOU) arrangements, or the receiving/transit country may dictate a longer notification period in advance of the removal.
 - Removal Officers should check MOAs and MOUs specific to the removal country prior to removal planning, and review proposed travel routes against the [Removal Transit Reference Guide \(ADD2014/861477\)](#).
- o Providing the [ODP](#) for escorted removal cases or if there is a need for airport staff involvement
- o Informing the local Removal Supervisor (APS6) or Inspector (EL1) if a high risk/profile removal with a domestic transit point is being undertaken.
- Airport operators are notified by:
 - o Providing an endorsed copy of the Notice of Proposed Movement of Person in Custody (PIC) form in advance of the removal of a dangerous person. Refer to the [Uplift approval](#) part of this SOP.
- Aircraft operators are notified:
 - o Removal Officers must notify all aircraft operators of the proposed travel of a PIC and are required to complete Notice of Proposed movement of Persons in Custody Form. Refer to the [Uplift approval](#) part of this SOP.
- ABF Detention Facility Superintendent or delegate (originating and transit facilities) is notified by:
 - o Emailing the facility's ABF Detention Operations area in advance of and following the giving of the [NOIR](#). Refer to the [Notice of intention to remove from Australia](#) part of this SOP
 - o Providing a summary of the removal or the removal procedures and consulting about any assistance required from ABF Detention Operations Officers
 - o Receiving the Complex and Sensitive Removal Operations Report and its attached ROIBs (distributed weekly by Removal Operations Program Management team). Refer to the [Removal of Interest Brief](#) part of this SOP.
- The removee's SRO is informed of removal arrangements and ongoing planning through:
 - o A summary email or confirmation of the removal (including e.g. names of removee(s), expected arrival/departure times, flight number, any concerns the SRO may have about the removal or possible action required by the SRO), and/or any other processes/details agreed between Status Resolution and Removal Operations regionally, providing at least 48 hours' notice, preferably more.
 - o Monthly Detention Review Committees, refer to the [Status Resolution Governance and Assurance - PI \(VM-6222\)](#).
- CWSC are engaged in the removal process by:
 - o Emailing BIC considerations for their review where the removal involves a child. CWSC must also be advised of changes to removal schedule (e.g. delayed, aborted, or cancelled). CWSC is available to provide a range of functions. Refer to the [Child Safeguarding Obligations](#) part of this SOP.
- International Obligations are addressed by:
 - o Requesting a PRC or Informed Request for Removal Statement (IRRS) at least ten (10) working days prior to the planned removal date for removees who engage one or more of the referral criteria under the risk factors identified in the [Pre-removal Clearances and Informed Request for Removal Statements - PI \(VM-3226\)](#)

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- o Notifying the International Law and Protection Obligations Section (ILPOS) (s. 22(1)(a)) [@homeaffairs.gov.au](mailto:ilpos@homeaffairs.gov.au) if a PRC indicates *non-refoulement* obligations may be engaged with:

- Details of the name of the removee
- A summary of immigration history
- Proposed removal date
- Whether there has been a referral for MI and attaching the PRC

Note: A PRC indicating *non-refoulement* obligations may be engaged, in the absence of a protection finding, may require referral to the Minister for consideration of MI powers.

- o Alerting ILPOS of the case where an IRRS is completed by a removee who has a protection finding or a PRC (where protection obligations are likely engaged) by providing:
 - Details of the name of the removee
 - Country of proposed removal
 - The planned removal date
 - A link to the protection finding or attaching the PRC and a copy of the IRRS
- Overseas Posts (transit(s) and final destination) are notified by:
 - o Advising overseas Posts, no less than 5 calendar days. Where providing the complete notice to Post is not possible, Removal Officers should ensure that advance notification is emailed to Post. In certain exceptional circumstances (e.g. where the removal is planned within 72 hours), a minimum of 2 business days should be provided (unless a MOA or MOU or the receiving/transit country dictates a longer notification period in advance of the removal) in advance of all removals to or through the country or a country in their area of responsibility, taking into account local holidays, office closures and time zone differences.
 - o Providing sufficient information to overseas Posts so that officers at Post can facilitate the removal where necessary (including whether a removee has a criminal history or medical issues). For more information, refer to the [Removal notice to overseas post](#) part of this SOP.
- DHSP are notified by:
 - o Requesting a HDS and including the anticipated removal date and destination in the request. Refer to the [Detention Health: Health Discharge Assessments - PI \(DM-5261\)](#) for more information.
- FDSP are notified by:
 - o Requesting the FDSP complete a DSPA
 - o Providing the FDSP with the 'Request for service' form (available in the CCMD portal).
- Escorts are notified by:
 - o Sourcing escorts
 - o Receiving a completed [ODP](#)
 - o Attending pre-removal briefings
 - o Completing the Overseas Travel Risk Assessment (OTRA)
 - o Attending post-removal de-briefs.
- The Ombudsman is notified:

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- o If the removee has been in detention for two or more cumulative years. The Office of the Commonwealth Ombudsman (the Office) should, where possible, be given at least seven working days' notice of the removal by emailing Ombudsman's Office - detention review (s. 22(1)(a)(ii) [@ombudsman.gov.au](mailto:ombudsman.gov.au)), and
 - copy in External Scrutiny (s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:homeaffairs.gov.au)), and
 - copy in section 486 Reporting (s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:homeaffairs.gov.au)).
- o The Office will respond to this notification only if the Office has concerns about the impending removal. If the Office does respond and raises concerns and/or asks further questions, ensure that the enquiry is directed to the External Scrutiny Section (s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:homeaffairs.gov.au)) whose officers are delegated by the Secretary to give information to the Ombudsman under section 8 of the [Ombudsman Act 1976](#). They may also be aware of or be responding to questions related to the same case. Removal Officers should not provide a response directly to the Ombudsman's Office.
- Other parties are notified:
 - o When organisations not specified in this policy instruction need to be advised of an upcoming removal, particularly if immediate post-removal care arrangements have been made. Removal Officers must include contact details and notification responsibilities in the [ODP](#) and, if the case is a 'removal of interest', email these details to the Complex Removals Support and Reporting team (s. 22(1)(a)(ii) [@abf.gov.au](mailto:abf.gov.au))
 - o If family and friends make enquiries regarding the upcoming removal, Removal Officers should direct enquiries to the removee so they can respond directly. This will assist protect the privacy of the removee.
- Law enforcement bodies are notified:
 - o Where there is an ongoing interest in the management of the UNC prior to removal. Passenger Analysis Clearance and Evaluation (PACE) alerts must be acquitted to mitigate disruption or delay of the removal by law enforcement activity at the point of departure. To ascertain law enforcement interest and action any alerts Removal Officers:
 - Undertake a criminal justice check with the Criminal Justice Programme (s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:homeaffairs.gov.au)) when preparing the RAA
 - Request a check of a removee's litigation status from the Legal Coordination Services (s. 22(1)(a)(ii) [@homeaffairs.gov.au](mailto:homeaffairs.gov.au)) to ensure the removee does not have any outstanding litigation that may prevent removal.

3.9.2. Memoranda agreements

Where Australia has entered into a relevant MOA or MOU with another nation, Removal Officers are required to follow agreed guidelines in relation to removal from Australia.

3.9.2.1. New Zealand

In the case of removals involving New Zealand citizens (including those whose visas have been cancelled), removals can proceed under strict guidelines pursuant to the 2018 MOU.

The arrangement titled *Arrangement between The Government of New Zealand, as represented by the New Zealand Police and Ministry of Business, Innovation and Employment (Immigration New Zealand) and The Commonwealth of Australia, as represented by the Department of Home Affairs, incorporating its enforcement arm, the Australian Border Force on the advance notice of removals/deportations and the reciprocal exchange of personal, criminal history and corrections information for the management of removals/deportations between Australia and New Zealand* is located on the Intranet at [2018-095](#).

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Removals under this MOA are coordinated centrally through the Removal Operations Program Management team. A [Notice to overseas post of removal of New Zealand citizen](#) (ADD2018/296010) and a completed four part New Zealand dossier must be emailed to the Complex Removals Support and Reporting team (s. 22(1)(a)(ii) [@abf.gov.au](#)) at least 10 working days before the planned removal date. Failure to do so may result in the removal needing to be rescheduled.

New Zealand dossier templates can be found at:

- [Part One: ADD2023/3856651](#)
- [Part Two: ADD2023/3856658](#)
- [Part Three: ADD2023/3856663](#)
- [Part Four: ADD2023/3856672](#)

3.9.2.2. Pacific Island countries

Removals involving citizens of Pacific Island countries (including Cook Islands, Federated States of Micronesia, Fiji, French Polynesia, Kiribati, Marshall Islands, Nauru, New Caledonia, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu and Wallis and Futuna Islands) can proceed under strict guidelines pursuant to the 2018 [Pacific Immigration Development Community MOU](#) (ADD2020/3986515).

The arrangement titled *Arrangement between members of the Pacific Immigration Development Community concerning cooperation and capacity building and the disclosure of information for immigration, border protection, law enforcement and public safety purposes* is located on the Intranet at [2020-148](#).

In August 2020, the Minister signed a submission ([Minister Signed Removals Min Sub](#) (ADD2020/4429497)) acknowledging enhanced notification procedures to follow the approach afforded to New Zealand.

A [Notice to overseas post of removal of non-citizen](#) (ADD2018/295742) and completed [Pacific Island dossier](#) (ADD2023/3571097) must be emailed to Wellington Post (s. 22(1)(a)(ii) [@dfat.gov.au](#)) and copy in the Removal Operations Program Management team (s. 22(1)(a)(ii) [@abf.gov.au](#)) and the relevant Post for each specific country (e.g. s. 22(1)(a)(ii) [@dfat.gov.au](#) for Tongan removals) at least 16 days before the planned removal date. Failure to do so may result in the removal needing to be rescheduled.

Pacific Island dossier templates can be found at:

- [Pacific Island Dossier Template ADD2023/3570479](#)
- [Referral for Support Services \(for Tongan cases only\) ADD2025/929445](#)

3.9.2.3. United Kingdom (including Northern Ireland)

The *MOU between the Commonwealth of Australia represented by the Department of Immigration and Border Protection and the United Kingdom of Great Britain and Northern Ireland represented by the Home Office Regarding the Sharing of Information* ([MOU between DIBP and the UK Home Office](#) (PCD2017/2632)), located on the Intranet at [2016-521](#) and [2019-074](#), provides the authority to share information to support the administration and enforcement of respective immigration, border protection and citizenship laws, and to aid collaborative efforts in the interest of public protection. The MOU is broader than information sharing relating to removals.

The relevant annex for Removals, located on the Intranet at [2016-522](#), is the [Annex Concerning Returns Information to the MOU between DIBP and UK Home Office](#) (PCD2017/2634), enabling the sharing of information about removees who have been notified of arrangements for their removal or deportation are being made. Arrangements are made in advance of removal or deportation where it is considered those removees may pose a risk to the public in the receiving country. This assists the administration and enforcement of both governments' respective immigration, border protection and citizenship laws, and aids collaborative efforts, in the interest of public protection.

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Procedures – removal of British citizens who may pose a risk to the public

For removal of British citizens from Australia who have had their visa cancelled/refused on either section 501 or subsection 116(1)(e) grounds, and/or are 'dangerous' under the ATSR, Removal Officers are to follow all processes outlined in section 3 of the [Standard Operating Procedures \(SOP\) for exchange of information concerning returns of persons who may pose a risk to the public in Australia or the United Kingdom \(the SOP\)](#) (PCD2018/2734)).

For removal of British citizens from Australia who are not defined under section 3.1 of [the SOP](#) (PCD2018/2734) but are considered a potential risk to the public, Removal Officers are to provide the information outlined in section 4 of the [Annex Concerning Returns Information to the MOU between DIBP and UK Home Office](#) (PCD2017/2634) by following the notification processes outlined in parts 3.2.2 to 3.3.4 in [the SOP](#) (PCD2018/2734).

When considering removees not defined under section 3.1 of [the SOP](#) (PCD2018/2734) but who may pose a risk to the public, Removal Officers should turn their mind to convictions, charges or investigations for crimes against a person (including sexual offences), property or deception offences, creation/ possession/ distribution of abhorrent materials, outlaw motorcycle gang associations, drug offences, public order and security offences. Removal Officers should consider cases where a visa cancellation/refusal under section 501 or subsection 116(1)(e) would have ordinarily occurred had a visa been in effect at the time of the offence. Where a Removal Officer is unsure if a removee, not defined under section 3.1 of [the SOP](#) (PCD2018/2734), could be subject to notification processes under the MOU between DIBP and the Home Office, Removal Officers are to escalate to London Post and the Complex Removals Support and Reporting team (s. 22(1)(a)(ii) [@abf.gov.au](#)), for advice.

For the MOU, relevant annexes and SOPs under which information is shared, refer to:

- [MOU between DIBP and the UK Home Office \(PCD2017/2632\)](#)
- [Annex Concerning Returns Information to the MOU between DIBP and UK Home Office \(PCD2017/2634\)](#)
- [Standard Operating Procedures \(SOP\) for exchange of information concerning returns of persons who may pose a risk to the public in Australia or the United Kingdom \(the SOP\)](#) (PCD2018/2734).

3.9.2.4. Vietnam

Removal Officers should adhere to the processes outlined in the [MOU between the Government of Australia and the Government of the Socialist Republic of Vietnam concerning the re-admittance of Vietnamese citizens who are deported due to breaches of Australian Laws](#) (ADD2019/568963), and the [MOU between the Ministry of Public Security of the Socialist Republic of Vietnam and the Department of Immigration and Border Protection of the Commonwealth of Australia on procedures of re-admittance of Vietnamese nationals](#) (ADD2019/568975), when planning and scheduling removals to Vietnam. These MOUs are available on the [MOU register](#) (ADD2020/4947472), reference numbers 2021-006 and 2024-089.

Refer to the [Vietnamese Travel Document Reference Guide](#) (ADD2019/4580894) for step by step guidance on each MOU stream.

For any queries, contact CELT (s. 22(1)(a)(ii) [@abf.gov.au](#)).

3.9.3. Child safeguarding obligations

Removal Officers must advise the CWSC (s. 22(1)(a)(ii) [@homeaffairs.gov.au](#)) of all cases where a child is impacted by the removal. CWSC is available to provide a range of functions, including but not limited to:

- Review of BIC considerations
- Advice and guidance on cases involving child safeguarding concerns

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- Liaison with state and territory Child Welfare Authorities (STCWAs) in cases involving any unresolved child protection matters (e.g. placement in the care of STCWAs, or outstanding Children's or Family Court proceedings involving the removee).

CWSC must also be advised of changes to removal schedule (e.g. delayed, aborted, or cancelled).

CWSC recommend BIC considerations be made prior to completing the ROIB to avoid any delay caused by unresolved child-related matters.

The Child Safeguarding Framework (the Framework) articulates the strong commitment by the Department, including the ABF, to safeguarding children and their wellbeing, and supports the implementation of Australia's international obligations under the CRC, including in a domestic operational environment. The Framework and the Department's child safeguarding policies apply to all departmental staff, ABF officers and contracted service providers (who are IBP workers) involved in the care and support of children and their families (amongst others) in Australia's immigration programs.

Acting in accordance with the PI supports/assists the Department to ensure compliance with Australia's international and domestic legal obligations in relation to providing a safe environment for children and their families while complying with existing legislative and policy parameters.

For further information on the Department's Child Safeguarding Framework, refer to the [Child Safeguarding Framework - PS \(BE-916\)](#).

3.9.4. Removal notice to overseas post

Removal Officers must advise overseas Posts in advance of all removals destined to or transiting through any country in their region of responsibility.

For low risk, unescorted removals, overseas Posts should be notified no less than 5 calendar business days. Where providing the complete notice to Post is not possible, Removal Officers should ensure that advance notification is emailed to Post. In certain exceptional circumstances (e.g. where the removal is planned within 72 hours), a minimum of 2 business days should be provided (unless an MOA or MOU with the receiving country dictates a longer notification period) in advance of the removee's departure from Australia. The information provided to overseas Posts should be sufficient for officers at Post to assess whether any assistance from the Post will be required. If a removee has a criminal history or medical issues, this should be noted. To ensure consistency, the [Notice to overseas post of removal of non-citizen from Australia](#) (ADD2018/295742) template should be used for this purpose.

For escorted or sensitive removals involving the transit of third countries, removal destination Posts and Posts with oversight of transit countries will require significantly more advance notice in order to comply with transit country or arrival requirements. For advice on notification requirements in relation to transits through third countries, contact CELT ^{s. 22(1)(a)(ii)} [@abf.gov.au](mailto:celt@abf.gov.au) or contact the relevant Post by email.

The information Removal Officers provide to overseas Posts should include all relevant removee details to allow officers at Post, to respond to foreign authorities or facilitate the removal. The Removal Officer should note if the removee has a criminal history or medical issues. Removal Officers must continue to consider disclosure of personal and sensitive information in the removal notice on a case-by-case basis.

If sensitivities exist (e.g. where a holding cell is required in transit or restraints are being carried), Removal Officers should engage with overseas Posts as early as possible prior to the removal to ensure the Post can complete all arrangements and formalities with local authorities. The Removal Operations Program Management team have engaged with Posts to obtain the most suitable mailboxes to receive formal removal notifications (ADD2024/102816442).

Contact details for overseas posted officers are available in the [Overseas Movement Schedule](#) on the MyHR intranet page.

If a removal will involve travel to or through a country where the Department has no presence, consideration should be given to notifying Post who will notify the Department of Foreign Affairs and Trade (DFAT) Posts in

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the transit/destination countries via an official cable. The need to notify DFAT stakeholders will be greater if there are significant risks to be mitigated and the potential exists for DFAT's involvement. For example, if the removal is involuntary, escorts will be used, or travel is required into or through locations assessed as 'do not travel' or 'reconsider your need to travel' on the DFAT [Smartraveller](#) website.

Departmental overseas Posts are committed to maintaining positive relations with host countries' authorities and complications during a removal in country can affect this relationship.

The removal of UNCs through third countries can add complexities as a result of differences between Australian procedures and security procedures utilised at local airports and by foreign government authorities. It is important that Removal Officers thoroughly research removal destination and transit requirements to ensure a successful removal. For further guidance, email CELT (S. 22(1)(a)(ii) @abf.gov.au).

Removal Officers must send the removal notice to the relevant overseas Post generic mailbox and officer(s) at Post, refer to [Removal Notifications and Queries Mailboxes](#) (ADD2024/102816442), and to other relevant contacts listed in [Notice to overseas post of removal of non-citizen from Australia](#) (ADD2018/295742). Each overseas Post will manage removal notices received in accordance with their local procedures and mailbox settings.

Policy that restricted distribution of removal notices to A-based officers was in place to accommodate an understanding that locally engaged (LE) officers were not authorised to access information, including movements data, contained in the notice. However, 2019 legal advice provides that LE officers do have authority to access this information in the course of their duties.

Feedback from overseas Posts indicated differing capacity to manage removal notices sent only to A-based officers. Requests from certain Posts to customise the distribution list for removal notices to other officers or mailboxes is administratively burdensome and inefficient for Removal Officers and increases risk of recipients being missed.

Following consultation with the Overseas Network Management, a generic mailbox solution is being implemented to simplify the overseas Post notification process and enable Posts to manage internal distribution arrangements. A consistent subject title 'Removal notice' is required to enable the set-up of automated email redirection rules at each Post.

3.9.5. Notice to immediate family in Australia

If a removee has immediate family in Australia (e.g. children, a partner or parent), it is the removee's responsibility to notify their family of their removal.

If a removee is unable to notify their family in Australia, Removal Officers may ask the removee if they would like their immediate family in Australia to be notified of the removal. If the removee requests that their family be notified and they do not have access to their own means of communication, Removal Officers should first explore options to facilitate the removee's direct communication (e.g. providing access to a phone or email). If this is not feasible, Removal Officers should notify the family on the removee's behalf as soon as practicable, in the manner requested by the removee (e.g. by email).

3.9.6. Instruction on pre-removal clearance (PRC) and international obligations

In instances where there is a potential risk that an UNC's removal to their home country will lead to the breach of Australia's international obligations, a PRC must be undertaken that may result in preventing the removal from taking place.

It is the role of Removal Officers to identify cases for referral to International Obligations and Complex Cases for a PRC or IRRS at the earliest stage of removal planning, to ensure that protection issues are considered in a timely way and that the PRC or IRRS does not unnecessarily delay removal. Removal Officers are required to ensure that sufficient time is provided for the PRC or IRRS to be completed to meet the removal timeframes.

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The Removal Officer must inform the relevant International Obligations and Complex Cases officer of any changes to the removal date or the UNC's circumstances once PRC or IRRS consideration is underway. Similarly, the International Obligations and Complex Cases officer will notify removals if the new information affects the timeframes for completing of the PRC or IRRS.

For more information on how to complete a PRC or an IRRS request, refer to the [Pre-removal Clearances and Informed Request for Removal Statements PI \(VM-3226\)](#) (ADD2019/3740576).

3.10. Notification of removal or deportation

Individuals who are to be removed or deported must be given a notice confirming their imminent departure from Australia and detailing the consequences of their removal or deportation. While the provision of the notice is not required under legislation, it is provided to removees and deportees as a policy requirement. This mitigates the risk of the removee/deportee not being properly informed of the intention to remove or deport them.

3.10.1. Notice of intention to remove from Australia

Under policy, Removal Officers must give removees who will be removed under section 198 or 199 of the Migration Act the Notice of intention to remove from Australia ([NOIR](#)) (ADD2016/715315).

Regular conversations between the SRO, Removal Officers and the removee will help the removee better understand their circumstances and actively contribute to the planning of their removal.

Removal Officers must engage with the removee's SRO prior to giving a removee with a [NOIR](#) to ensure any complex health issues, needs or behavioural concerns are considered as part of removal planning.

Where removal impacts, or could impact, a child/children, BIC considerations should be completed prior to the provision of the [NOIR](#) in accordance with the [Best Practice for Interacting with Children - PI \(BC-764\)](#) and [Best Interests of the Child - PS \(DM-5721\)](#). Removal Officers should also refer to processes outlined in the [Removal of family and minors](#) part of this SOP.

3.10.2. End of enquiry letter

If the removee has been given an end of enquiry letter advising that they do not satisfy each limb of the tripartite test, or legal advice has been obtained which confirms that removal of a non-citizen who has made *Love/Thoms* claims can be progressed, Removal Officers must include standardised wording after the last public interest criterion paragraph in the [NOIR](#) form (ADD2016/715315):

The Department has previously written to you about the decision of the High Court in Love v Commonwealth of Australia; Thoms v Commonwealth [2020] HCA 3 (Love and Thoms). In that case, a majority of Justices found that certain Aboriginal Australians cannot be detained under s 189 of the Migration Act 1958 ('the Act') or removed from Australia under s 198 of the Act. On [date], we informed you that the Department is of the view that you are not a person affected by this decision. You have not provided us with any further information in support of any claims you may have to be affected by the High Court decision. We remain of our view that you do not meet the tripartite test used by the High Court in Love and Thoms. This Notification of Intention to Remove From Australia letter is given to you on that basis.

Where case-specific legal advice has been provided, an amended [NOIR](#) form may be provided notwithstanding the removee has not been given an end of enquiry letter.

3.10.3. Notice to the Department's Migration and Citizenship Litigation Branch

Practice notes are used to provide information to parties and their lawyers in court proceedings on particular aspects of court practice and procedure. The [Migration Practice Note - Removal from Australia of Immigration Detainees who have Proceedings before the Court \(MIG-2\)](#) was issued by the Chief Justice of the Federal Court of Australia in March 2022, and instructs that detainees with ongoing matters before the Court, for whom the MIG-2 Practice Note applies, should not to be removed (either voluntarily or

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involuntarily) unless they have been properly informed about the MIG-2 Practice Note. They are to be afforded a reasonable and practicable opportunity to communicate with the Court.

Removal Officers must complete litigation checks at the earliest opportunity for new allocated removal cases.

Where a removee has ongoing litigation that is subject to the MIG-2 Practice Note, a Legal Officer will be assigned and will be responsible for ensuring the Practice Note is complied with. The Legal Officer may ask for assistance from Removal Officers from time-to-time, usually to provide hard copies of documents to detainees. They will also provide advice about whether and when removal planning may proceed.

As part of the removal planning process, Removal Officers should be aware that a removee may seek a court injunction or may have *Convention on the Rights of the Child* (CRC), family unity, or *non-refoulement* issues that create legal complications. To ensure that litigation colleagues are prepared for this possibility, particularly in cases where reduced notification of the removal date has been given, Removal Officers should forward relevant documents to Migration and Citizenship Litigation Branch (s. 22(1)(a)(ii) @homeaffairs.gov.au) as soon as possible before the removal.

Relevant documents include the:

- Completed, signed RAA (including the associated documents referred to in the RAA)
- ROIB
- Completed HDS
- Completed FTTA
- Removal notification documentation or the 'Waiver of 48 hour notice of removal' (MCP12) in the CCMD portal.

If required, Migration and Citizenship Litigation Branch will notify the Removal Officer and Removal Operations Program Management team as early as possible regarding the outcome of any court applications. Removal should still be progressed until there is a clear direction given to halt the removal.

To give removees a fair opportunity to seek a court injunction, Removal Officers should, where practical, schedule flights between Monday and Friday. If this is not possible, the [ODP](#) should include a contingency for a later flight in case the removee decides to make an application on the day of removal.

3.10.4. Notice of intention to deport from Australia

Under section 200 of the Migration Act, the Minister may order the deportation of a non-citizen to whom Division 9 of Part 2 of the Migration Act applies.

Under policy, Removal Officers must provide a deportee with the notice of intention to deport from Australia [Notice of Intention to Deport from Australia \(NIDA\)](#) (ADD2014/633298).

3.10.5. Notice of date of removal

3.10.5.1. Notifying the planned date of removal

Removal Officers must give the removee written notice of the planned removal date. Where operationally possible, the removee must be notified that they will be removed on a date that is at least seven calendar days from the date of the [NOIR](#). This is recorded in the [NOIR](#).

Whilst there is no statutory requirement for a [NOIR](#) to be issued, or that a planned removal date be nominated, it is considered best practice for Removal Officers to provide a removee with as much notification as operationally possible. At least seven days is recommended between giving the [NOIR](#) and removal, as this timeframe will allow the removee to raise any concerns about their planned removal. For circumstances in which less than seven days' notice is permitted, refer to the [Limited notification \(less than seven days, but](#)

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[more than 48 hours](#)), [Notification period exceptions](#) and [Notification of 48 hours or less \(MCP12\)](#) parts of this SOP.

Where a removee has a history of behavioural, mental health issues or other concerns that could impact the removal, a planned approach to giving the [NOIR](#) should be taken which supports the good order and safety of all persons within the IDF. Removal Officers must coordinate removal notification with relevant Departmental staff, the FDSP and the DHSP. Removal Officers should also consult with any person(s) who have been appointed as legal guardian of a removee by an Australian court in relation to the removee's immigration status.

Removal Officers must escalate any concerns raised by the removee to their supervisor. Removal Officers must also appropriately document the removee's concerns and any resulting action in the 'Returns and Removal' service of the CCMD portal. Removal Officers must inform the removee's SRO that the detainee has been provided the [NOIR](#) as soon as possible after it is given.

Removal Officers are to be mindful of the impact that the notice may have on the removee. Where a Removal Officer identifies concerns about the removee's reaction to the [NOIR](#), Removal Officers must immediately alert the FDSP, DHSP, SRO and their supervisor of these concerns. Following removal notification, if requested by Removal Officers, SROs, the FDSP or the removee, the DHSP may organise counselling to support the removee.

Removal Officers must make a record in the CCMD portal and TRIM noting any removal that is not effected within one month of the initial notification. Removal Officers must ensure that information about the reason for the delay is communicated to the removee as soon as practicable and on an ongoing basis. Removal Officers must document reasons for delay and any communications with/from the removee in the CCMD portal.

While the [NOIR](#) would generally specify an exact removal date, it is also possible to specify an 'on or after [date]', but this should only be used in exceptional circumstances and on a case-by-case basis. An involuntary removal is not, in and of itself, enough to amount to an exceptional circumstance.

Where removal has been delayed by more than one month, Removal Officers must provide re-notification with an updated removal date. Where the removal is not likely to proceed, further notification should be delayed until removal planning has progressed sufficiently. The removee should be advised where their removal has stalled or is unlikely to proceed on the previously advised date.

Removal Officers may need to advise other parties of the removal, including any date changes. Refer to the [Notifying stakeholders of the removal](#) part of this SOP.

3.10.5.2. Limited notification (less than seven days, but more than 48 hours)

Providing a removee with notification of less than seven days (but more than 48 hours) may be appropriate based on the individual circumstances. Methods of limited notification can include verbal and written notice (provision of the [NOIR](#)). Departmental policy is to provide the [NOIR](#) to the removee where operationally practicable. If this is not possible (e.g. where an ABF Officer has no access to a correctional facility), Removal Officers are required to record the method and date of notification in the CCMD portal, TRIM and their official ABF notebook. In accordance with best practice, the [NOIR](#) is to be given to the removee at any time prior to departure from Australia.

Removal Inspector (EL1) approval for notification of less than seven days (but more than 48 hours) is not required when:

- The removee is voluntary, cooperative and will be notified of a planned removal date that will fall on or before the seventh day of that notification, or
- The removee was detained less than seven days prior to voluntary removal, or
- Voluntary removal was organised within seven days of the TD becoming available.

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If circumstances (other than the three listed above) warrant a notification period of less than seven days (but more than 48 hours), the relevant executive officer (EL2 or above) may approve the reduced notification period.

Removal Officers must document the method of planned removal date notification, reasons for 'limited notification' and relevant removee response to removal notification in the CCMD portal.

Removal Officers must record the approval of limited notification in the 'decision' section of the RAA. Refer to the [Removal from Australia - Guides - SM \(BC-7205\)](#).

If notification is provided less than seven days prior to removal, Removal Officers must note in the comment field within the RAA (MCP10) decision details screen that the removal can be effected within seven days and that a reduced notification period will be provided. Removal Officers are to include comments in the 'Checked by' section of the online RAA (MCP10) providing the reason(s) for the reduced notification.

3.10.5.3. Completing the notice of intention to removal from Australia form

When completing the legislative power field in the [NOIR](#) form, Removals Officers are only required to note the section of the Migration Act (e.g. sections 198 or 199). However, the relevant subsection (specific legislative power) that the removee is being removed under must be accurately recorded and approved in the final RAA (MCP10).

Removal Officers must document changes in the removee's willingness to leave voluntarily in the CCMD portal. Additionally, if practicable, Removal Officers must reissue the [NOIR](#) form with the correct removal power. For example, if a removee who has signed a [RFR](#) under subsection 198(1) subsequently withdraws their request, resulting in the removee being removed under subsection 198(5) (an involuntary removal) instead.

Removal Officers must ensure that the correct removal power Public Interest Criteria (PIC) and Special Return Criteria (SRC) are correct on the form.

If the removee is affected by case law (for further information, refer to [Removal from Australia - PI \(BC-7202\)](#)), Removal Officers should consult with Migration and Citizenship Litigation Branch s. 22(1)(a)(ii) [@homeaffairs.gov.au](#) for guidance on updating the [NOIR](#) form in the first instance. Litigation Branch may refer Removal Officers to other areas of the Department, or clear proposed additional wording if required.

3.10.6. Notification period exceptions

3.10.6.1. Removees with ongoing litigation involving the Department

Where a removee has court proceedings **involving** the Department (including against the Minister), Removal Officers must provide the removee with enough notice to allow them to have a 'full and reasonable opportunity' to make an application to the court for an injunction against their removal. While seven days' notice is often used as a starting point, and Removal Officers must issue the [NOIR](#) form at the earliest opportunity available, the appropriate period of notice to provide a 'full and reasonable opportunity' depends on the removee's circumstances.

Removal Officers must consult the Migration and Citizenship Litigation Branch s. 22(1)(a)(ii) [@homeaffairs.gov.au](#) at the earliest opportunity for assistance to determine whether additional notice is required, and if so, the [NOIR](#) form content and timing.

Factors that may indicate more notice is required for a removee include their:

- Literacy or education level
- English language ability
- Physical or mental health
- Sensitivity of litigation involving the Department

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- Access to legal representation.

By contrast, there are factors which may indicate that less notice is appropriate (e.g. where there is a risk to the removee or others). Any such factors must be drawn to the attention of the Migration and Citizenship Litigation Branch.

3.10.6.2. Removees with other ongoing litigation

Removal Officers must thoroughly check departmental systems during the planning process and email the Migration and Citizenship Litigation Branch at the earliest opportunity to ensure that the removee has no outstanding migration related litigation.

Where a removee advises they have ongoing litigation **unrelated** to a migration matter and they are issued with a [NOIR](#) form, they are to be advised that:

- The unrelated litigation is not an impediment to their removal from Australia, and their removal will proceed unless they obtain a court injunction preventing their removal
- It is open to the removee to seek their own independent legal advice.

Removal Officers must ensure that the details of this conversation are recorded in the CCMD portal and TRIM as soon as possible.

Note: *In some circumstances, criminal litigation can become a barrier to removal/may lead to a Criminal Justice Stay Visa (CJSV).*

3.10.7. Notification of 48 hours or less (Mandatory Control Point (MCP) 12)

Removal Officers may only issue a [NOIR](#) form to a removee with less than 48 hours' notice in exceptional circumstances as listed in the [Involuntary removal](#) part of this SOP. Removal Officers must record requests for waiver of the 48 hour notification for involuntary removal in the CCMD portal and TRIM by completing a MCP12 which includes strong justification for the significantly reduced notification period. For information on how to complete the MCP12, refer to the [CCMD – MCP12 – Reduced Notice for Involuntary Removal – Functional Guide](#) (ADD2022/893772).

3.10.7.1. Involuntary removal

For involuntary removal (where a removee has not requested removal in writing), a waiver will only be supported in cases where there is a significant and real risk:

- Of the removee self-harming, supported by clinical advice and other appropriate evidence (e.g. detention incident reports); or
- That the removee would harm others or damage property; or
- Of direct external intervention to disrupt the removal (e.g. evidence of specific risks or threats that external parties, including members of the public will disrupt the aviation process); or
- On an exceptional basis as determined by the relevant Chief Superintendent or Commander; and
- These risks cannot be appropriately managed if the removee is provided with more than 48 hours' notice.

Removal Officers must request a waiver using the waiver of 48 hours' notice of removal (MCP12) in the CCMD portal. Only the relevant Chief Superintendent or Commander can approve the MCP12.

For more information on MCPs, refer to the [Status Resolution System Control Framework - PS \(BC-763\)](#) and [Status Resolution System Control Framework - Mandatory Control Points - SM \(BC-6186\)](#).

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3.10.7.2. Voluntary removal

For voluntary removal under subsection 198(1), Removal Officers do not need to complete the waiver of 48 hours' notice of removal (MCP12). Instead, Removal Officers must record approval of the 48 hour waiver by the relevant Inspector (EL1) in the RAA (MCP10).

Removal Officers should note under the 'Legislative basis' section of the RAA (MCP10) that the removee has requested removal under subsection 198(1) and, as removal can be effected within 48 hours, they will be providing a reduced notification period. The RAA (MCP10) reviewing officer must include comments in the 'Checked by' section of the RAA (MCP10) explaining the reduced notification period.

The RAA (MCP10) approving officer may subsequently approve the RAA (MCP10) and reduced notification period in the 'Decision' section, noting that the requirement for 48 hour notification is waived.

For guidance on RAA sign-off criteria, including delegated levels of the RAA (MCP10) reviewing officer and RAA (MCP10) approving officer, refer to the [Removal from Australia - Guides - SM \(BC-7205\)](#).

3.10.7.3. Illegal foreign fishers

IFF RAAs (MCP10) may be assessed using the IFF specific RAA (MCP10) form in the CCMD portal. For guidance on the use of the IFF specific RAA (MCP10), refer to the [Removal from Australia - Guides - SM \(BC-7205\)](#).

IFFs whose availability for removal may be assessed using the voluntary IFF RAA (MCP10) do not require a waiver of 48 hour notice of removal. Refer to the [Removal from Australia - Guides - SM \(BC-7205\)](#).

For IFFs whose availability for removal must be assessed using the 'standard' compliance RAA (MCP10), Removal Officers must follow the non IFF specific procedures outlined in the [Notice of date of removal](#) or [Notification of 48 hours or less \(MCP12\)](#) parts of this SOP.

3.10.7.4. Timeframe for notification

Removal Officers must determine an appropriate timeframe for notification on a case-by-case basis, using credible professional advice from but not limited to internal stakeholders (e.g. Status Resolution, Detention Operations and/or Detention Health), contracted service providers (e.g. the FDSP and/or the DHSP) and external agencies (e.g. Corrections or Police) advising on the timing of delivery and well-considered risk assessments of the removee's likely reaction or behaviour.

Removal Officers must also consider:

- The specifics of the individual risks identified to waive the minimum 48 hours' notice of the removal date
- Any need for the removee to farewell family or friends prior to the removal
- The need for, or intention of, the removee to seek any professional service (e.g. legal advice prior to the removal)
- Any other logistical matters (e.g. the removee's need to speak with contacts in the home country, pack belongings and close Australian bank accounts).

If the relevant Chief Superintendent or Commander has agreed to a notification period of less than 48 hours, Removal Officers and SROs should determine an appropriate timeframe for notification. The Chief Superintendent or Commander must also approve the proposed notification timeframe (either at the time they approved the MCP12 or following completion of the MCP12).

3.10.7.5. Reporting reduced notification

Removal Officers and the relevant Chief Superintendent or Commander are to record the approval using waiver of 48 hours' notice of removal (MCP12) in the CCMD portal and TRIM. The record must provide comprehensive documentation of the reasons for giving less than the minimum 48 hours' notice.

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3.10.8. Notice to authorised recipients

Departmental policy is to provide the [NOIR](#) form to the removee.

Where the removee has appointed an authorised recipient, the Removal Officer must confirm whether the written notice appointing the authorised recipient specifies matters that relate to removal (e.g. notification of planned removal logistics or receipt of the [NOIR](#) form). If the authorised recipient is authorised to receive documents in relation to removal, the Removal Officer must provide a copy of the completed [NOIR](#) form to the authorised recipient.

3.10.9. Departing Australia superannuation payment claim

Removal Officers must provide all removees with a current [Form 1194 - Certification of Immigration Status](#) (Form 1194). Removees who are eligible can use Form 1194 to claim superannuation payments.

Form 1194 should be provided at the same time as the [NOIR](#) or during removal. Form 1194 should also be included when providing reduced notification. For more information on issuing the [NOIR](#), refer to the [Providing a detainee with the Notice of Intention to Remove from Australia](#) part of this SOP.

Removal Officers must provide information about how a removee can apply for a departing Australia superannuation payment and draw the removee's attention to the relevant information on the Australian Taxation Office (ATO) and Home Affairs websites. Payments in relation to Form 1194 can only be applied for by the removee and made by the ATO once the removee is offshore, therefore does not impact the timing of the removals process.

In accordance with Form 1194, the removee must be advised that further assistance or clarification is available from the ATO website.

3.11. Post-removal support (PRS)

PRS is available on a needs basis to people removed from Australia. PRS provides immediate, short-term assistance directly linked to facilitating the removal.

The authority for PRS payments comes from the executive power linked to the execution and maintenance of a law of the Commonwealth. While not specifically referred to in the Migration Act, the provision of PRS payments is authorised under the executive power where it is necessary for the execution of the Department's removal obligation under section 198 of the Migration Act.

Removal Officers assess a removee's immediate post-removal needs as part of the removal planning process and incorporate details of support arrangements where indicated:

- In the CCMD 'Returns and Removal' service workplan, summary tab and TRIM (for unescorted removal)
- In the [ODP](#) and/or ABF Operational Order (for escorted removal).

PRS assists removees with immediate post-removal needs. PRS must only be provided for the purpose of facilitating removal from Australia. Removee's are likely to require formal PRS arrangements if they:

- Are lacking in resources or means of subsistence
 - Have not been provided with assistance by their national representatives under the [Vienna Convention on Consular Relations 1963](#)
- Do not have sufficient funds for their onward journey or temporary accommodation.

Wherever necessary, the Department may directly provide the removee with the required goods and services. This may include:

- Very short-term (budget) accommodation (generally not exceeding seven days and determined on a case-by-case basis, with consideration of individual circumstances)

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- o Meals for the duration of the accommodation stay
- o Meals if the removee is required to travel internally to their home region over an extended period of time
- o Internal travel to their home region
- o Appropriate clothing (in line with community expectations in the country of origin)
- o Luggage.

Note: The FDSP can provide clothing appropriate to the journey and destination climate through their contractual arrangements.

The Department can also provide foreign or Australian currency (where possible this should be provided in small denominations or coins) for incidental expenses (e.g. public telephone, conveniences, food or immediate local transport).

PRS is not included as part of a removee's debt to the Commonwealth.

Removal Officers are required to document all decisions to provide a removee with PRS in the [ODP](#). PRS for unescorted removees must be documented and filed in TRIM. A receipt for funds signed by the removee and Removal Officer (or contracted escort) is to be filed in TRIM following the removal operation.

3.11.1. Assessment of need to receive PRS

A PRS assessment must be undertaken and recorded in departmental systems for all removals, irrespective of whether PRS will be provided to the removee or not.

3.11.1.1. PRS assessment

Removal Officers must undertake an assessment of a removee's post-removal needs and develop a PRS proposal for approval by the PRS spending delegate. For consistency and oversight, Removal Supervisors (APS6) may review PRS proposals prior to submission for approval to the PRS spending delegate. There are no set monetary limits on the various types of PRS.

A removee who has very few social ties with their country of nationality/removal, does not speak the local language or who may have complex health or other needs, may require additional assistance with settling into accommodation and accessing support. In some cases, foreign government agencies may be the appropriate bodies to assist with this.

A removee being removed directly from a correctional facility may be eligible for specific services on arrival at their destination. For further information about destinations that offer such services, liaise with the local Removal Supervisor (APS6) or the local foreign consulate office. CELT ([s. 22\(1\)\(a\) @abf.gov.au](#)) can be contacted where a Removal Officer needs assistance with approaching any embassy or consulate that is not located within their region.

In some circumstances, the removee may require additional PRS. For example, suitable carers/guardians will need to meet an UAM upon arrival.

As part of their removal planning processes, Removal Officers should consider the circumstances of the removee, the need for PRS and access to International Returns and Reintegration Assistance (IRARA) services (e.g. reintegration assistance (RA)).

When establishing whether a removee requires PRS, a Removal Officer should liaise with the removee, other relevant departmental officers, overseas Posts and service providers to establish:

- o What resources and support are available in the return country
- o The removee's capacity to fund transport from the airport to their final destination
- o Whether the removee has family or friends in the return country

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- o How much money is in the removee's possession or property
- o Whether it is appropriate to provide cash to the removee
- o The arrival time at the destination and whether any accommodation is required
- o Relevant currency exchange rates and the standard of living in the destination country.

Removal Officers are to consider the exchange rates and standard of living using reliable open source information about the specific country. Refer to websites listed in the [Consistency in PRS provisions](#) part of this SOP.

Where there are credibility issues with a removee's claims of destitution and overseas support, Removal Officers can consider reviewing any financial institution documentation about the removee recorded in TRIM.

Once the Removal Officer has collated the above information, they may discuss the proposed recommendation with their Supervisor (APS6). The information collated will determine the degree of support required.

The support required will vary according to the circumstances of the individual but may include the provision of accommodation, food, clothing and cash. Removal Officers and Supervisors (APS6) should consider the type of support to be provided to the removee on a case-by-case basis.

Where possible, Removal Officers should make necessary PRS arrangements (e.g. booking internal travel or accommodation) on behalf of the removee prior to removal to minimise the amount of cash provided to a removee. This helps ensure any cash provided to the removee is not misused.

3.11.1.2. Consistency in PRS provisions

When researching PRS, Removal Officers should clarify with the removee if they have any family who would be willing to accommodate them at their destination and investigate any available IRARA or consular assistance in each instance. This information should be included in the PRS assessment as this may reduce the amount of PRS the Department may provide.

When researching PRS, Removal Officers must account for the wide variance in cost of living between countries/regions and account for this in their assessment. Removal Officers need to research online accommodation, cost of living averages and regional travel expenses for the specific country of return.

Removal Officers should actively explore reception assistance from the government of the receiving country. If the government does provide reception assistance, PRS should be considered for the time between arrival and the commencement of government assistance.

PRS considerations should cover no more than seven days post-arrival.

The Removal Officer is to provide justification detailing their research in the PRS assessment, as amounts are subject to change and availability.

Some useful links regarding accommodation:

- o [Hotels.com.au](#)
- o [Trivago](#)
- o [Hotels combined.](#)

Some useful links regarding cost of living/daily subsistence allowance:

- o [Numbeo](#)
- o [International Civil Service Commission](#)
- o [Expatistan.](#)

Where possible, the amount of PRS should be equal to the actual cost to be incurred.

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For example:

- o A bus ticket from point A to point B
- o Living expenses calculated on a pro-rata basis where the removee only requires partial day support.

PRS spending will generally not be supported for:

- Provision of longer-term accommodation
- Welfare support
- Medical services (including medical consultation).

In exceptional circumstances (e.g. where a removal outcome would otherwise be impossible), additional or longer PRS provisions can be considered by PRS approving officers, provided adequate justification/evidence is provided in the PRS assessment.

3.11.1.3. Authorising and recording the PRS

PRS for travel expenses where the Department directly pays for the cost of the trip (e.g. flights, accommodation, taxi or bus fares), can only be approved by Executive Officers (EL1 or above) with the subsection 23(3) [Public Governance, Performance and Accountability Act 2013](#) (PGPAA subsection 23(3)) – travel delegation, up to their delegated limit. Refer to the [Accountable Authority Instructions - PS \(FM-4808\)](#) on the Policy and Procedures Control Register (PPCR).

Other non-travel specific components of PRS (e.g. luggage or clothing) can be approved by any PGPAA subsection 23(3) Goods and Services delegate up to their delegated limit. For consistency and to minimise approvals from multiple delegates for one PRS proposal, all PRS approvals should be completed by the Executive Officer (EL1 or above) who approves the removee's travel.

PRS-approving officers (spending delegates) are required to ensure PRS proposals (spending proposals) are affordable, and confirm funds are available (funds availability sign-off) with the relevant cost centre manager, before committing to spending. A spending proposal may relate to a single transaction or to a number of transactions. Refer to the [Accountable Authority Instructions - PS \(FM-4808\)](#).

Removal Officers must clearly articulate in the RAA any approvals to provide a removee with PRS. The email approving the PRS proposal will serve as supporting evidence attached to the RAA. Refer to the RAA guide in the [Removal from Australia - Guides - SM \(BC-7205\)](#).

There is no provision for a removee to appeal a decision not to provide PRS, or to dispute an amount.

Prior to departure, the Removal Officer must notify the removee about the specific limits of the support being provided. Advice should be provided that accommodation support does not include specified items (e.g. telephone use, minibar items or alcoholic drinks available at the accommodation premises). Similarly, management at the selected accommodation should also be notified of the limits to the support provided.

The Removal Officer must ensure PRS expenditure, including any amount of cash provided to a removee, is recorded against the relevant removal section's cost centre designated for PRS.

A receipt of funds signed by the removee and Removal Officer (or contracted escort) is to be filed in TRIM by the Removal Officer following the removal operation.

3.11.2. Other support arrangements

3.11.2.1. Immediate post-removal continuity of health care

As part of the Health Discharge Summary, the Detention Health Service Provider will consider whether a removee requires continuity of health care arrangements and will provide the Department with recommendations. Removal Officers should liaise with Detention Health Operations Section or the Detention

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Health Service Provider to make necessary immediate post-removal health care arrangements. Refer to the [Detention Health: Health Discharge Assessments - PI \(DM-5261\)](#).

Medical services in the receiving country for the purposes of continuity of care is not supported by PRS funding.

For further information, contact Detention Health Policy and Program Support (health@homeaffairs.gov.au) and/or Detention Health S. 22(1)(a)(ii) @abf.gov.au.

3.11.2.2. Assistance for eligible non-citizens seeking voluntary return

Return and Reintegration Assistance Program (RRAP) includes all non-citizens across both return and reintegration assistance streams, extending eligibility beyond only UMAs and bridging visa holders to include:

- UNCs in immigration detention who request voluntary removal (reintegration assistance only)
- UNCs or temporary visa holders in a correctional facility, with or without criminal convictions/character concerns (including those who have been sentenced to a term of imprisonment of twelve months or more).

The RRAP allows Removal Officers to consider all options and tailor removal planning to individual circumstances.

In addition, the Post-Removal Support Program (PRSP) provides tailored financial assistance to receiving countries to meet medical, economic or other appropriate 'settlement-like' support costs following removal (to be used for exceptional circumstances only).

For further information on onshore return assistance, refer to the [Return and Reintegration Assistance Program - PI \(BC-827\)](#) and [Removal from Australia - PI \(BC-7202\)](#). Any queries regarding RRAP or PRSP should be directed to Complex Case Management and Support Programs (CCMSP) Branch S. 22(1)(a)(ii) @homeaffairs.gov.au.

3.12. Removal and deportation costs

3.12.1. Part 2 Division 10 of the Migration Act

Division 10 of Part 2 of the Migration Act deals with the liability of a non-citizen to pay the Commonwealth the costs of their removal or deportation from Australia. It also sets out the mechanisms for recovering these costs.

Section 207 of the Migration Act defines 'costs' as the fares and other costs to the Commonwealth of transporting a non-citizen, and a custodian of the non-citizen, from Australia to the place outside Australia to which the non-citizen is removed or deported.

As 'custodian' is not defined in the Migration Act or the Migration Regulations 1994 (the Migration Regulations), its ordinary dictionary meaning of 'a person who has custody; a keeper; a guardian' applies, and in this SOP includes:

- An employee of a contracted detention services provider
- A security escort
- A police officer
- A medical escort
- A welfare escort, and/or
- A RLO.

The term 'escort' is used rather than 'custodian'.

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3.12.2. Liabilities under Division 10 of Part 2 of the Migration Act

3.12.2.1. Liability to repay removal and deportation costs

Section 210 of the Migration Act provides that, subject to section 212 of the Migration Act, a non-citizen (other than an UNC who came to Australia on a criminal justice visa) who is removed or deported is liable to pay the Commonwealth the costs of their removal or deportation.

Section 212 sets out who is liable to pay the costs in situations where a non-citizen's:

- **Spouse** (refer to definitions in section 5F of the Migration Act and regulation 1.15A of the Regulations)
- **De facto partner** (refer to definitions in section 5CB of the Migration Act and regulation 1.09A of the Regulations), and/or
- **Dependent child/children** (refer to definition in regulation 1.03 of the Regulations)

is/are removed or deported at the same time as the non-citizen.

A non-citizen's dependent child/children who is/are removed with the non-citizen is/are not liable for the costs of their removal. Instead, the non-citizen parent being removed or deported will bear the liability for the removal costs of any dependent child/children removed with them. Refer to the [Costs of removal or deported spouses, de facto partners and dependants - section 212 of the Migration Act](#) part of this SOP for further information.

UAMs are personally liable to pay the Commonwealth's costs for their removal or deportation.

3.12.2.2. Liability to repay removal costs for an UNC who entered on a criminal justice entry visa

Law enforcement agencies (LEAs) may request the presence of a non-citizen in Australia for criminal proceedings through the grant of a Criminal Justice Entry Visa (CJEV).

In order to grant a CJEV, a Criminal Justice Entry Certificate (CJEC) must first be issued by the Minister or their delegate (section 156). For a CJEC to be issued, the delegate must consider that satisfactory arrangements have been made to, among other things, meet the cost of removing the non-citizen from Australia (paragraph 145(1)(c)).

In the event that a non-citizen enters Australia on a CJEV, they would not be held personally accountable for any costs associated with their removal.

The legislative provisions in the Migration Act do not themselves create mechanisms for the Department to recover the costs associated with removing a non-citizen who came to Australia on a CJEV. The parties (the Department and the LEA) may agree to share the costs associated with the removal, provided that the agreement is in an enforceable form.

For further information regarding debt liability for non-citizens who entered Australia on a CJEV, email the Criminal Justice Program Team (s. 22(1)(a)(ii) @homeaffairs.gov.au).

3.12.2.3. Costs included in the removal or deportation liability

Removal or deportation costs include airfares (including commercial or chartered flights) and all other travel costs for transporting the non-citizen from Australia to the destination country. If escorts are a requirement of travel, the travel and accommodation costs of any required escorts, including RLOs, for the duration of the removal or deportation operation are also attributable costs. This will include the costs of the escorts' return journeys and any accommodation that may be required.

Other costs may also be included in the removee or deportee's liability, provided they are directly related to the costs incurred by the Department in order to effect the removal or deportation. Such costs (incurred for both the removee/deportee and/or any escorts) may include:

- Costs relating to obtaining passports or TDs

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- Airport and departure taxes, if required
- Costs of vaccinations (if these are a condition of the travel)
- Accommodation and meal costs (if a stop-over in a transit country is required)
- Allowances for escorts incurred during the removal operation
- Airfares (including fees associated with booking)
- Visas, if required.

3.12.2.4. Costs not included in the removal or deportation liability

A removee or deportee is not liable to pay any additional costs that are not directly related to the removal or deportation. A common example of such an additional cost is a post-arrival reintegration package delivered on behalf of the Department by IRARA, or any immediate post-removal support (including a monetary component) provided by the Department to the removee. A removee will not be liable to pay these costs.

On 27 February 2019, the Australian Taxation Office ruled that removal costs charged to non-citizens are exempt from the application of Goods and Services Tax (GST) by the Department (refer to [1051485364617](#)).

The removee or deportee will not be responsible for costs associated with domestic transfers required for pre-positioning to another IDC or international airport for international travel. If a removal or deportation is aborted and the removee or deportee is not removed or deported, they will not be responsible for any costs associated with that failed removal or deportation attempt. This includes costs related to travel arrangements (e.g. flight tickets).

Occasionally, the Department may pay for domestic travel within the removee's or deportee's return country. Usually this is due to the removee's or deportee's final destination being a considerable distance from the international airport. The travel may involve a further domestic flight or a bus journey. These costs are generally considered part of immediate post-removal support and do not constitute part of the debt to the Commonwealth.

However, in circumstances where travel from Australia to the country of return has been booked as a single trip (one ticket), including domestic travel to the home location of the removee, it would be impracticable for a Removals Officer to try to separate the international travel component of the trip from the domestic component. In this case, the removee or deportee will be liable to pay the whole cost of the trip.

Occasionally, the Department may choose to send an additional RLO in training on a removal exercise in order for the officer to gain skills and experience. The cost of the additional RLO can be attributed to a removee's or deportee's liability if it was necessary to send a second RLO and they are undertaking necessary RLO duties. However, if the primary reason for having an extra RLO is for the purposes of training and the second RLO would otherwise not be required, the cost of the RLO in training is not to be included in the removee's or deportee's liability.

3.12.2.5. Carrier liability - section 213 of the Migration Act

Under section 213 of the Migration Act, a carrier may be required to pay the costs of the removal or deportation of a non-citizen who enters Australia and is required to comply with immigration clearance under section 166 of the Migration Act and who:

- Does not comply, or
- On complying, is detained under section 189 of the Migration Act as an UNC.

Carrier liability costs relate to border and arrival turnarounds (summary removals) and are the responsibility of ABF Border Clearance Officers. For further information about carrier liability, refer to the [Arrival, immigration clearance and entry - Immigration clearance at airports and seaports - PI \(BC-536\)](#). Refer to the [Powers and Obligations](#) below for Migration Act section 213 delegations.

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3.12.2.6. Costs of removal or deported spouses, de facto partners and dependants – section 212 of the Migration Act

Under subsection 212(1) of the Migration Act, if two persons are spouses or de facto partners of each other and either, they are both removed or deported, or one of them is deported and the other is removed, each of them is liable to pay the Commonwealth the costs of their removals, their deportations, or the deportation and removal (that is, they are jointly and severally liable for the full cost of both of their removal(s) and/or deportation(s)).

Joint and several liability also affects cases where family members of the removee are removed under section 199 of the Migration Act. If a spouse or de facto partner of a removee is also removed under section 199 of the Migration Act, they will be liable, together with the removee, to pay the Commonwealth the cost of their removal. This is the case even where the spouse or de facto partner of the UNC is an Australian citizen or permanent visa holder.

Under subsection 212(2) of the Migration Act, if two persons are spouses or de facto partners of each other and either, they are both removed or deported or one is deported and the other is removed, and their dependent child/children is/are also removed, the spouses/de facto partners are liable to pay the Commonwealth the costs of the child's/children's removal. The dependent child/children are not liable for these costs.

Under the provisions of subsection 212(3) of the Migration Act, if a non-citizen is removed or deported and they do not have a spouse or de facto partner, or their spouse or de facto partner is not also being deported or removed, and the non-citizen has dependent child/children who is/are also being removed, then the child/children are not liable for the costs of their removal. Instead, the non-citizen is responsible for paying these costs to the Commonwealth.

To record the parents' joint and several liability for each other and their dependent child/children's removal, Debt Management Section will note each parent's joint and several liability in the Central Movement Alert List (CMAL). It is important that Removal Officers provide Debt Management Section with details of the names and relationships of the jointly and severally liable parents and the dependent child/children. To notify Debt Management Section of joint and severally liable parties, create a new task in the work plan and flag. This will ensure that Debt Management Section correctly records the removal or deportation debt to joint and severally liable parties in the Department's finance system. Liability under section 212 of the Migration Act must be clearly specified in the CMAL narrative.

For suggested CMAL narrative structure, refer to the Instructions tab in the [Debtors Proforma](#) (ADD2016/1966064).

3.12.2.7. Non-citizens and carriers jointly liable – section 214 of the Migration Act

Under policy, if a removee and a carrier are jointly liable for the removal costs, the carrier's details are to be recorded on the invoice.

3.12.2.8. Recording the debt

Following removal or deportation, Removal Officers are responsible for raising the liability for costs before the 'Returns and Removal' service is finalised in the CCMD portal. Final removal or deportation costs are found in invoices and statements provided by the Department's travel service provider received following the removal operation. Removal Officers need to enter removal or deportation costs in the portal as a 'Debt to the Commonwealth'.

The [Debtors Proforma](#) (ADD2016/1966064) is used to calculate the final cost of detention (convicted IFFs and people smugglers). The calculated detention costs are entered into the Debt to the Commonwealth work plan in the 'Returns and Removals' service in the CCMD portal. These costs will flow to the Debt Management Section. Removal Officers must record the Debtors Proforma in TRIM if used for detention cost calculations.

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If debt is unable to be entered into the CCMD portal, the [Debtors Proforma](#) (ADD2016/1966064) must be emailed to the Debt Management Section (debtors@homeaffairs.gov.au).

Removal Officers must record details of the debt in all relevant departmental systems, including the CCMD portal, TRIM and CMAL. The value of the debt is not to be recorded in CMAL by the Removal Officer as the debt amount may be subject to change or may not be finalised. Instead, Removal Officers should use the following narrative:

Example:

[Name] was removed from Australia on DD/MM/YYYY under section 198/199 of the Migration Act. [Name] has incurred a debt to the Commonwealth. For further information, email the Debt Management Unit (debtors@homeaffairs.gov.au).

The Debt Management Section will raise a debt on the Department's finance system, issue an invoice and send it to the address provided by the removee or deportee. Invoices provide available payment methods and contact details for the Debt Management Section. If Removal Officers receive any questions related to a specific debt invoice, they are to refer the enquirer to the contact details for the Debt Management Section located on the invoice. Debt Management Section will record details of the debt on CMAL when an invoice has been raised. Debt Management Section will also update CMAL when the debt has been paid in full.

Using the information entered in the 'Debt to the Commonwealth', Debt Management Section will raise the debtor invoice and record any additional information as indicated by accountability 'flags' made by the requesting Removal Officer.

Accountability flags

A weekly report is sent to Finance Division to assist them identify the nature of the debt. The report contains 'flags' to indicate the type of debt, as per the table below:

Flag	Description
[OWN]	Indicates the costs are self-funded.
[NZWAIVER]	NZ voluntary removal where the visa was cancelled under section 501(3A).
[FAMILY]	If spouses or de facto partners will be travelling together, record their total travel costs on each of them in the CCMD portal. If the parents and child/children will be travelling together, officers should add the child's/children's travel cost into one of the parent's (due to system limitations) estimated debt to Commonwealth. Use the [FAMILY] Flag for the removee whose costs include the child's/children's costs.

If a removal was effected under one of these flags, Removal Officers must record the relevant flag in the Update Debtor Records activity/task within the Work Plan of the 'Returns and Removals' service in the CCMD portal so that the appropriate information flows through to the weekly report sent to Finance.

To create a flag, navigate to the appropriate 'Returns and Removals' service and select the Work Plans tab.

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AHMAD BIN OSMAN - Returns and Removals Onshore Compliance

Record Client Note

* Indicates a required field

Service Details

Service Type: Returns and Removals
 Service Sub Type: Onshore Compliance
 Service Status: Active
 Service Sub Status: Removal Logistics Plans
 Service Info:
 Service End Date:

Client Details

Identifier: 14394041772
 Family Name: BIN OSMAN
 Given Name (s): AHMAD
 Lawful Status:
 Citizenship: MALAYSIA
 In Detention: ☒
 Minor:

Summary Client Considerations Summary Detention Info Detention Info Client Info All Activities **Work Plans** Client Interactions Facilitated Departures Decisions Attachments Referrals Travel Documents Related Client Cases Assessments Contacts Maintenance Allowance

Returns and Removals

Establish Client Intention (Request Removal from Australia) Outcome has not been recorded

* Indicates a required field

Key Returns and Removals Information

Departure Information

Request Removal Outcome:
 Request Removal Date:
 Planned Departure:
 Travel Details:
 Case Law Checked:
 Health Assessment Issued:
 DSP Assessment Issued:
 Airline Uplift Request:
 Escort Details:
 Removals Engagement Information
 Engagement Date: 20/06/2022 12:43:22 PM

Decisions

Initial Interview:
 DRP Aviation Assessm:
 MCP10 Outcome: Lapsed-Liable and Practicab
 Legislative Basis: s.198(1) - MCP10
 MCP12 Outcome:
 Last RoI Brief:
 Third Party Referrals
 Active External Referrals:
 Fit to Travel Details
 Fit to Travel Status:
 Fit to Travel Expiry Date:

Travel Documents

Type:
 Status:
 Document Type:
 Outcome:
 Applicant:
 Person Responsible:
 Advised Time Frame:
 Travel Doc Number:
 Expiry Date:

Show History

The activities/tasks associated with the 'Returns and Removals' service are displayed. Navigate to the Update Debtor Records activity or task, and from the Type column, select the hyperlink to open it.

Summary Client Considerations Summary Detention Info Detention Info Client Info All Activities **Work Plans** Client Interactions Facilitated Departures Decisions Attachments Referrals Travel Documents Related Client Cases Assessments Contacts Maintenance Allowance

All Objectives

Objective	Description	Status	Planned Completion	Actual Completion	Outcome	Outcome Comments	Goal	Do Not Report
Implement and R...	Implement and Rec...	Active	20/06/2022 12:44:06 PM					

All Tasks & Progress Notes

Type	Sub Type	Description	Status	Attachments	Comments	Person Responsible	Actual Completion	Start Date	Outcome	Date of Effect
Document	Airline Uplift Requ...	Complete Airline Uplift Request	Active			GENERIC TEST ACCOUNT47		20/06/2022 12:44:06 PM		
Assessment	Litigation Check	Conduct Litigation Check	Active			GENERIC TEST ACCOUNT47		20/06/2022 12:44:06 PM		
Document	Supporting Eviden...	Supporting Evidence	Active			GENERIC TEST ACCOUNT47		20/06/2022 12:44:06 PM		
Decision	MCP	MCP10: Removal Availability Assess...	Complete			GENERIC TEST ACCOUNT47	20/06/2022 12:53:12 PM	20/06/2022 12:44:06 PM	Lapsed-Liable and...	20/06/2022 12:44:06 PM
License	Notify Client of De...	Issue Notice of Removal	Active			GENERIC TEST ACCOUNT47		20/06/2022 12:44:06 PM		
System Activity	Update Records	Update System (MAL)	Active			GENERIC TEST ACCOUNT47		20/06/2022 12:44:06 PM		
Document	Removals Costs	Issue Notice in Respect of Removals...	Active			GENERIC TEST ACCOUNT47		20/06/2022 12:44:06 PM		
Document	Travel Costs El Ap...	Request Approval for Travel Costs f...	Active			GENERIC TEST ACCOUNT47		20/06/2022 12:44:06 PM		
Document	Notice to Post	Send Notice to Post	Active			GENERIC TEST ACCOUNT47		20/06/2022 12:44:06 PM		
System Activity	Debtors Invoice	Update Debtor Records	Active			GENERIC TEST ACCOUNT47		20/06/2022 12:44:06 PM		

The activity/task displays. In the Description field, replace the current text with the appropriate Flag (refer to table above). For example, in the screenshot below, the text Update Debtor Records has been replaced by [NZWAIVER]. Additionally, officers can add further relevant information about the costs within the square brackets.

System Activity

* Indicates a required field

Client, Case & Service Details

Client Case Number: 1-6800UJ
 Service Number/SCID: 1-6IKUVRJ
 Service Type: Returns and Removals
 Service Sub Type: Onshore Compliance
 Given Name(s): AHMAD
 Family Name: BIN OSMAN
 Location:

Activity Details

Type: System Activity
 Sub Type: Debtors Invoice
 Status: Active
 Outcome:
 Person Responsible: GENERIC TEST ACCOUNT
 Organisation: Default Organization

Completion Details

Category: Task
 Goal:
 Objective: Implement and Record Client
 Attachments:
 Description: [NZWAIVER]
 Start Date: 20/06/2022 12:44:06 PM
 Planned Completion: 20/06/2022 12:44:06 PM
 Actual Completion:
 Date of Effect:
 Do Not Report:

Press Ctrl+S to save the Activity. The activity/task is saved.

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Officers/supervisors can add themselves to the distribution list for the weekly email by navigating to the [PIR Reporting Dashboard](#) and self-subscribing via the link by the 'Completed Removals' report, or by emailing Public Information and Reporting (s. 22(1)(a)(iii) [@homeaffairs.gov.au](mailto:PIR@homeaffairs.gov.au)) and requesting to be added to the 'Debt to Commonwealth' publication.

3.12.3. Use of an existing ticket

Before an existing ticket can be used towards removal or deportation costs, the ticket must be either:

- Given to the Secretary or the ABF Commissioner (or delegate) by the non-citizen
- Seized under a warrant issued under subsection 251(4) of the Migration Act
- Taken by the Secretary or ABF Commissioner under subsection 223(5) of the Migration Act), or
- Seized under a warrant issued under subsection 223(14) of the Migration Act.

Section 216 of the Migration Act provides that the ABF Commissioner or Secretary may arrange for the existing ticket, with or without the ticket holder's consent, to be applied for or towards the costs of removing or deporting the non-citizen from Australia. If the removee has a valid air ticket, they may be asked to consent to the use of this ticket. If the removee agrees to allow ABF to use their ticket, they must complete the [Consent to Use Ticket for Removal Form](#). If the removee does not agree, Removal Officers can still use the ticket after completing of the [Use of Removee Ticket Without Consent Form](#).

Under this instruction, the ticket may be used or cancelled and the funds put towards a new airfare. If an existing ticket is cashed in to pay for the cost of removing or deporting a non-citizen from Australia and money is left over, the remaining money is to be returned to the non-citizen.

3.12.4. Division 14 of Part 2 of the Migration Act

Division 14 of Part 2 of the Migration Act deals with the recovery of costs from certain persons described in paragraphs 262(1)(a), (b) and (ba) of the Migration Act (namely, convicted IFFs and convicted people smugglers) for the cost of keeping, maintaining and removing certain persons. It also sets out mechanisms for recovering these costs.

3.12.4.1. Liabilities under Division 14 of Part 2 of the Migration Act

Only a person to whom paragraphs 262(1)(a), (b) and (ba) of the Migration Act apply is liable to pay the Commonwealth for detention costs. Refer to the [Detainees liable to repay detention costs](#) for further information.

In practical terms, much of the cost incurred by the Commonwealth in dealing with a person to whom paragraphs 262(1)(a), (b) and (ba) apply relates to their removal from Australia, though the Commonwealth may incur maintenance costs in relation to this cohort where the person needs to be detained in immigration detention prior to their conviction for an offence referred to in subsection 262(1) of the Migration Act.

For liable cohorts, refer to the [Detainees liable to repay detention costs](#) part of this SOP.

3.12.4.2. Accommodation and maintenance costs

Under subsection 262(2) of the Migration Act, the Minister may, by [legislative instrument](#), determine a daily amount for keeping and maintaining a person in immigration detention at a specified place for a specified period. Removal Officers and delegates should be aware that the delegation under subsection 262(2) is held at SES Band 1 or above. Refer to **Attachment B - Assurance and control matrix**.

The calculation of a convicted people smuggler's or IFF's immigration detention liability is based on an amount determined in the relevant legislative instrument for the detention period. Removal Officers are to use the detention calculator in the Debtors Proforma to assist calculate of immigration detention liability. For instrument details, refer to **Attachment B - Assurance and Control Matrix**.

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3.12.4.3. Transport costs

For the purposes of subsection 262(1) of the Migration Act, the cost to the Commonwealth of transporting a detainee and an escort(s) between certain places may include:

- Airfares for travel between places of immigration detention
- FDSP costs for transport from the place of detention to the airport from where the detainee is to be removed from Australia.

3.12.4.4. Detainees liable to repay detention costs

- A person to whom paragraphs 262(1)(a), (b) and (ba) of the Migration Act apply, as well as the master, owner, agent and charter of the vessel on which the person travelled to Australia, are, jointly and severally, liable to pay the Commonwealth immigration detention costs, associated transportation costs, as well as, if the person is to be removed from Australia, the cost of that removal.

The debt recovery process is detailed in:

- The debt recovery flowchart (ADD2017/2288656)
- The [Recording the debt](#) part of this SOP.

The Department can issue a convicted people smuggler or IFF with a debt recovery notice for the cost of their immigration detention at the time the person is convicted of a relevant offence or after the person has served the whole or part of their sentence (refer to subsection 262(4) of the Migration Act).

3.12.4.5. Powers and procedures to recover costs

The costs of removal should be recovered only when liability for these costs is incurred, that is, after the non-citizen has been removed or deported.

Costs payable to the Commonwealth under Division 14 of Part 2 of the Migration Act can be recovered in court under section 263 of the Migration Act. Immigration detention and/or removal costs incurred under Part 2, Division 14 may also be recovered using the specific powers in Division 14, including the power of the Secretary or ABF Commissioner to:

- Issue a notice of debt, under section 263, to a person liable to pay the Commonwealth an amount under section 262 of the Migration Act
- Issue a garnishee notice under section 264 of the Migration Act
- Commence legal proceedings against the person who has failed to comply with a section 264 garnishee notice, or issue another garnishee notice under section 264 of the Migration Act (refer to section 265 of the Migration Act)
- Take action against future debts under section 267 of the Migration Act.

3.12.4.6. Use of these powers

As these statutory powers infringe on a non-citizen's real and personal property rights, Removal Officers must carefully consider whether or not to exercise these powers.

If a Removal Officer decides to use these powers, they must comply strictly with the statutory requirements and take particular care to exercise their powers in a manner that is lawful, professional and reasonable.

If a Removal Officer exceeds the lawful extent of their statutory powers, they may be personally liable or cause the Department to be liable to legal proceedings. If Removal Officers have further questions or concerns in relation to exercise of these powers, contact MCLS [s. 22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](#).

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3.12.4.7. Removees are not to be left destitute

A removee or deportee should not be left destitute as a result of debt recovery action. A removee or deportee would be left destitute if they had no money or insufficient money to meet their basic needs.

In particular, removees and deportees should be left with a reasonable amount of money to cover incidental expenses during, and immediately after, their removal or deportation. Refer to the [Post-removal](#) part of this SOP.

3.12.5. Notification of detention, removal and deportation costs

To notify non-citizen of their estimated liability for detention, removal and/or deportation costs, one or more of the following forms can be used, as appropriate to the non-citizen's circumstances:

- [Notice of detention costs](#) (ADD2017/2288471)
- [Notice of removal or deportation costs](#) (ADD2017/2288477)
- [Notice of detention and removal or deportation costs](#) (ADD2017/2288479).

The Debtors Proforma (ADD2016/1966064) may be used by a Removal Officer as a tool to calculate estimated costs when providing notice of costs to the non-citizen.

Finalised detention, removal, and deportation costs are entered in the 'Debt to the Commonwealth' work plan in the CCMD portal.

A notice of detention, removal or deportation costs is to be handed to detainees who will incur a liability for the costs of their detention and/or removal or deportation.

Note: *This notice advises the non-citizen that the costs are an estimate only and that final costs will be sent to them in an invoice from the Debt Management Section once the removal or deportation is completed.*

The issuing Removal Officer should explain the contents of the notice to the detainee and ask the detainee to sign the notice. If the detainee refuses to sign, the issuing Removal Officer must record this on the notice and, if possible, should have the record witnessed and signed by another person.

3.12.5.1. Notification for detention costs on transfer to prison

When a non-citizen has been convicted of an offence referred to in subsection 262(1) of the Migration Act, a Removal Officer must take the following steps for immigration detention cost recovery prior to the non-citizen entering criminal detention (first period immigration detention):

- Check the details of the convicted non-citizen in the CCMD portal to ensure section 262 applies (liable for debt recovery)
- Advise State/Territory Corrections of the Department's intent to recover funds
- Submit the 'Notice to Garnishee' to State/Territory Corrections
- Issue the non-citizen convicted of an offence referred to in subsection 262(1) with the [Notice of detention costs](#) (ADD2017/2288471) and ensure the non-citizen has received, read and signed the [Notice of detention costs](#). For more information, refer to the [Removal and detention recovery PI – Debt recovery flow chart](#) (ADD2017/2288656).

If a detainee refuses to sign a notice of costs, Removal Officers must note the detainee's refusal on the relevant document and ensure it is recorded in the CCMD portal and TRIM.

In instances where, on completion of their prison sentence, a convicted people smuggler or IFF is returned to immigration detention while awaiting their removal, the detainee will accrue a second period of immigration detention debt. The Removal Officer must calculate the additional detention costs and add this to the detainee's final determination of all detention and removal costs.

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3.12.5.2. Notification for detention costs on completion of sentence

When a detainee has been convicted of an offence referred to in subsection 262(1) of the Migration Act, a Removal Officer must take the following steps on completion of the non-citizen's prison sentence:

- Check the details of the convicted detainee in the CCMD portal to ensure section 262 applies (liable for debt recovery)
- Record any outstanding first period detention costs; calculate and record estimated second period detention costs in the notice in respect of detention and removal or deportation costs
- Add the estimated cost of removal to detainee's final Notification of detention, removal or deportation costs
- Update CMAL and begin the removal process.

Note: *Unlike first period immigration detention, cost recovery on completion of sentence will not commence until the Debt Management Section has invoiced the detainee following their removal.*

3.12.6. Debt recovery

3.12.6.1. Who is responsible

Under the PGPA Act, the Secretary is obligated to pursue recovery of debts owed to the Commonwealth. The Secretary has given instructions on debt recovery to all departmental and ABF staff in the [Accountable Authority Instructions](#) (AAIs). Amounts owing to the Commonwealth represent a cost to taxpayers and must be pursued to the greatest possible extent.

3.12.6.2. Removal Officers

Removal Officers must notify the Debt Management Section of all detention, removal or deportation costs incurred by non-citizens. This includes notification of an application for a waiver, removee or deportee with joint and several liability, and convicted IFFs or people smugglers with any period of immigration detention debt. Removal Officers are not responsible for debt recovery.

Sections 25 to 29 of the PGPA Act set out the general duties that apply to officials, particularly in their management and use of public resources. A Removal Officer is expected to undertake their role (to assess, record and notify in relation to detention, removal and/or deportation costs) with the same degree of care and diligence that a reasonable person would exercise if they were an official. A Removal Officer who contravenes the general duties can be subject to PGPA Act provisions for the termination of employment of departmental officials. For further advice on management and use of public resources, email the Debt Management Section (debtors@homeaffairs.gov.au).

3.12.6.3. Revenue management

The Debt Management Section is responsible for pursuing all debts arising from removal or deportation and detention.

For information on debt management refer to:

- [Accountable Authority Instructions – PS \(FM-4808\)](#)
- [FMG 1.09.01 – Debt Management – PI \(FM-1279\)](#)
- [Sch4/4004 – Debts to the Commonwealth – PI \(FM-1237\)](#)
- [Schedule 4 – Public Interest Criteria – SM \(LS-1855\)](#).

Removal Officers should notify the Debt Management Section of their intention to exercise powers:

- Under sections 216, 222, 223, 224, 263, 264, 265, 267 and/or 268 of the Migration Act, and
- Obtain payment towards these costs.

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Following the exercise of these powers, the Debt Management Section must be given details of the liability. For further information, email Debt Management Section (debtors@homeaffairs.gov.au).

3.12.7. Court orders restraining dealings with non-citizens' property

If a non-citizen or detainee is liable to pay the costs of their removal or deportation and there is a risk that the Commonwealth will not be able to recover all or part of those costs, the Department may seek to mitigate this risk by securing the detainee/non-citizen's property under sections 222 or 223 of the Migration Act.

Section 222 of the Migration Act allows the Secretary or ABF Commissioner (or their delegate) to apply for a court order restraining any person from dealing with the non-citizen's property where the non-citizen is, or may become, liable to pay the Commonwealth the costs of their removal or deportation. Section 223 of the Migration Act authorises the Secretary or ABF Commissioner to take possession of any valuables that they believe, on reasonable grounds, to belong to the detained person, and to restrict their financial transactions, for the purpose of repaying certain debts owed to the Commonwealth which have been incurred as a result of deportation or removal. Section 224 of the Migration Act makes provision for how those valuables, once taken into the Secretary's or Commissioner's possession, are to be dealt with.

The exercise of these powers are subject to various legal considerations that will need to be assessed on a case-by-case basis. Officers must seek legal advice before exercising powers under sections 222, 223 or 224 of the Migration Act.

4. During removal

4.1. Aborted removals

When a removal is aborted, the removee is to be notified as soon as reasonably practicable. The timing of this notification will depend on the removee's location at the time. The removee will be informed by either the Removals Officer (if still present), RLO or the security escort. This notification will include an explanation of why the removal has been aborted and an acknowledgement of any impact or effect this may have on the person.

An aborted removal results from an incident that occurs after the non-citizen has left an IDC, APOD (Alternative Place of Detention) or a correctional facility in the case of a P2P removal, except in instances where the airline cancels the flight. Incidents that may result in an aborted removal include, but are not limited to, detainee behavioural concerns and/or significant medical concerns, uplift being withdrawn/detainee offloaded, or an injunction staying removal being granted at the airport.

This should not be mistaken with a cancelled removal, which results from an incident/event that occurs prior to the non-citizen leaving an IDC, APOD or a correctional facility in the case of a P2P removal, where a removal is postponed or rescheduled, the flight itinerary has been received and/or stakeholders have notified of a removal date. Incidents/events that may result in a cancelled removal include, but are not limited to, the relevant flight being cancelled/rescheduled by the airline, barriers to removal such as the non-citizen not having a valid TD or not holding a visa required for a transit country.

Note: An unescorted voluntary removee remains in immigration detention on the aircraft while it is attached to the aerobridge, as they are prevented from leaving by FDSP officers. If the removee is offloaded before the aerobridge is detached, they remain in immigration detention until offloaded, and there is no need to 're-detain' them. Obligations under sections 194 and 195 do not arise. However, if the removee is offloaded after the aerobridge is detached and the aircraft has started taxiing, they are no longer in immigration detention on the aircraft and must be 're-detained' upon offloading. In this case, obligations under sections 194 and 195 will arise.

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4.1.1. Authority to abort a removal

When planning a removal, it is expected that Removal Officers will develop contingency arrangements to manage key risks and to ensure the health, safety and security of the removal operation. These arrangements should be recorded in the [ODP](#) to guide security escort officers on what to do.

In these circumstances, it is expected that any decision to abort a removal will be made after consultation with the Removal Inspector (EL1).

In limited situations, consultation with a Removal Inspector (EL1) may either not be practical or possible. This may include where there is risk of imminent harm to the removee or another person. In these circumstances, the Removals Officer, a law enforcement officer or a member of the removal party may make the decision to abort a removal and inform the Removal Inspector (EL1) as soon as possible. The decision-maker should record the reasons for their decision to abort the removal in writing and place it in the client's file as soon as reasonably practicable.

4.1.2. Notification – aborted or postponed removal

As the Department/ABF may occasionally abort a removal after it has commenced, Removal Officers must include in the [ODP](#) a contingency plan, consideration of who needs to be contacted and any follow up action required.

If a removal is aborted or postponed, the Removal Officer or Removal Supervisor (APS6) or Inspector (EL1) must inform the following stakeholders only if there is a NEL or OPTICS report. Refer to [Operational activity and incident reporting](#) in this SOP.

The Removal Officer/ Supervisor (APS6)/ Inspector (EL1) will, as necessary, notify the:

- Group Managers, Immigration Compliance
- Chief Superintendent, Removal Operations Branch
- Border Force Superintendent, Removal Operations
- Border Force Superintendent, Removal Operations Program Management team
- All Removal Operations Border Force Superintendents
- All Removal Operations Border Force Inspectors
- Commander (SES Band 1) Detention Operations
- Regional Detention Operations Border Force Superintendent
- Regional Aviation Travellers Border Force Superintendent.

Note: Cancelled removals would only be reported in cases where the removal required a ROIB. Removal Operations Program Management team would be advised via email, for addition of this information in the Complex and Sensitive Removal Report.

In the event there is no NEL or OPTICS report, Removal Officers are required to inform:

- Airport operators (departure point, transit point and arrival point)
- Aircraft operators
- ABF Detention Facility Superintendent or delegate (originating and/or transit facilities)
- Departmental airport staff (transit and departure points)
- DHSP
- FDSP

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- The SRO and relevant EL1 and EL2 of Detention Status Resolution
- Other stakeholders identified in the [ODP](#) (including Regional Coordination Units (RCUs) or the Australian Border Operations Centre (ABOC) for notifiable event reporting)
- Overseas Post (including transit Posts and ALO)
- The relevant ABF International desk ([desk name](#))
- Travel unit (if applicable)
- Removal Operations Program Management team (where the removal meets the ROIB criteria)
- Litigation [S. 22\(1\)\(a\)\(ii\)](#) [@homeaffairs.gov.au](#).

4.1.3. Ministerial Intervention (MI)

A late MI decision may result in an aborted or cancelled removal. Generally, the Minister's Office will provide advice on the MI decision directly to the relevant MI request team:

- International Obligations [\(S. 22\(1\)\(a\)\(ii\)\)](#) [@homeaffairs.gov.au](#) for sections 48B, and 46A of the Migration Act
- MI ACT [S. 22\(1\)\(a\)\(ii\)](#) [@homeaffairs.gov.au](#) for sections 195A, 197AB 351, and 501J of the Migration Act
- the relevant senior executive officer (Chief Superintendent or Commander) for section 198AE of the Migration Act.

The MI team or relevant senior executive officer will then notify the Removal Officer, Supervisor (APS6) or Inspector (EL1) and SRO of the decision.

The Removal Officer/ Supervisor (APS6)/ Inspector (EL1) must then advise relevant stakeholders in accordance with the [Notification of aborted or postponed removal](#) part of this SOP.

4.1.4. Court injunction

Occasionally, there may be a late court order staying removal after a removee has left detention and is on their way (or at) the airport. Generally, the removee's lawyer will inform the Migration and Citizenship Litigation Branch of the order. That Branch will email all stakeholders to notify them of the action. Sometimes the court's orders will be communicated directly to removals verbally, either in person or over the phone. In these instances, the Litigation Branch [S. 22\(1\)\(a\)\(ii\)](#) [@homeaffairs.gov.au](#) should be contacted and request the relevant officer of the court/legal officer to send an email confirming the orders made. Removal Officers should confirm in writing to the Litigation Branch that the removal has been aborted.

If the Removal Officer is advised of the court order, they must immediately notify the Removal Supervisor, Inspector and SRO of the existence of the order.

4.2. Audio-visual recording of removal

4.2.1. For certain high risk cases

In high-risk cases it may be appropriate to make an Audio-Visual (AV) record of the removal of a removee from Australia. This will provide the Department with a visual record of any incidents that might later be investigated and assist in the development of improved policy and procedures.

On ABF led charters and escorted removals, FDSP are permitted to wear body cameras throughout the various stages of a chartered removal operation, including during transit, and are always recording. Footage is **NOT** to be collected for use in media initiatives or strategies.

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FDSP officers must limit AV recording of a removal to only the removal activity within the IDF and during transport to the airport. For legal reasons, the removal process in an airport, during a flight or during transit in foreign countries cannot be recorded.

Such a recording would constitute the making of a record for the purposes of the *Australian Border Force Act 2015* and the collection of personal information for the purposes of the *Privacy Act 1988* and must comply with both Acts.

For further information on the legal framework and purpose of AV recording in IDFs, refer to the [Detention Services Manual - Safety and security - Audio-visual recording - PI \(DM-614\)](#).

4.3. Who holds travel documents and funds during the removal?

4.3.1. Escorted removals

If a removee is accompanied by security escorts during removal, the escort usually holds the removee's TDs, funds and passenger card (for the destination country) until arrival at the final destination. If a RLO is involved, they are responsible for holding the TD, funds and passenger card. Security escorts usually carry any of the removee's funds, which should be counted and given to the removee (and receipted and signed by all parties) shortly before landing at the final destination.

4.3.2. Unescorted removals

If a removee is not escorted during removal, airlines may have a policy that cabin crew carry the removee's TD and return it to the removee upon arrival. This can minimise the risk of the TD being lost or destroyed and the passenger then becoming regarded as an undocumented arrival in a transit or destination country, for which airlines may be fined or create a refused immigration clearance situation where the removee is returned to Australia.

Officers may give TDs to a compliant and low-risk removee with the agreement of the airline when the removee boards the aircraft for their removal. If any removee funds are handed to the removee, a signed receipt must be obtained from the relevant party.

4.4. Airport arrangements

Public departure lounges should be avoided or utilised for the shortest time practical at both domestic and international airports wherever possible, particularly for involuntary removal.

By liaising with ABF Officers at the departing airport, Removal Officers can arrange to have a removee await their flight in a secure area of the airport. For long waits, the use of a transit hotel may be necessary, especially for involuntary removals. It may also be beneficial to arrange secure waiting areas at overseas transit points with overseas compliance officers. Removal Officers must also comply with any airport inspection procedures.

Where a removee is required to be escorted, Annex 9 to Chicago Convention requires the escort officer(s) to remain with the removee during any transit stops unless other arrangements are agreed in advance of arrival by the airline and local authorities at the transit location. If applicable, details of such arrangements should be included in the RFS/[ODP](#).

Although airport staff are not generally expected to be directly involved in implementing removal, Removal Officers may seek their assistance in certain circumstances. For very sensitive/high risk removals, if possible, the airport manager or senior staff should be on hand at check-in to assist a smooth departure from Australia. They can assist if a holding area is required for the removee and arrange airside access, where possible.

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4.4.1. Aviation security screening

At international departure and transit points in Australia, airline passengers are randomly selected for screening using a body scanner. Body scanners are located at most international gateway airports in Australia. PICs are unlikely to be selected to undergo a body scan provided that the supervisor at the screening point is notified that the PIC will be brought through the screening point. If they are selected, they must comply with the screening requirements. This notification may occur at the screening point. The removee must be under official escort and be a PIC per the ATSR in immigration detention under the Migration Act. The escorts will not be selected for body scanner screening.

4.4.2. When immigration detention ends

Removal Officers must be aware of when immigration detention ends, as outlined in subsection 196(1) of the Migration Act. Immigration detention ends when one of the following occurs:

- The unlawful non-citizen (UNC) is removed from Australia under section 198 or 199;
- An officer begins to deal with the person under section 198AD(3);
- The UNC is deported under section 200;
- The UNC is granted a visa and becomes a lawful non-citizen.

Officers must also be aware of the conditions that may require re-detention under section 189.

As part of removal planning, Removal Officers must ensure adequate contingencies are in place in case re-detention becomes necessary. Removal operations teams should develop standardised re-detention contingency arrangements based on their local requirements, airport facilities and relationships with the FDSP and airlines. Removal Officers should discuss local processes with their supervisor in the first instance.

Escorted removals

In cases where an escorted removal includes an **officer** as defined under subsection 5(1) of the Migration Act, the removee will remain in immigration detention until the travelling party departs the migration zone. Note that re-detention is only required when an aircraft is returned to Australia after leaving the migration zone/Australian airspace (e.g. an emergency landing).

For escorted removals (where no escorts are **officers** as defined under the Migration Act), the processes for the end of immigration detention mirror those outlined for unescorted removals.

Unescorted removals

For unescorted removals, FDSP and/or ABF officers must remain at the aircraft's boarding point (e.g. on the aerobridge) until the aircraft departs. Immigration detention is maintained as long as the removee is *prevented* from leaving the aircraft by ABF/FDSP officers (refer to the definition of 'immigration detention' subsection 5(1)(b) read in conjunction with subsection 249(1)(b) of the Migration Act). Immigration detention continues until the aircraft is disconnected from an aerobridge or is no longer accessible by ABF/FDSP officers (i.e. without an aerobridge, the aircraft door is closed, the stairs are removed and the aircraft has commenced taxiing). At this point, the reason the removee cannot leave the aircraft is due to the commencement of the flight, rather than the actions of the ABF/FDSP officers.

If a removee is offloaded in the migration zone after immigration detention has ended, re-detention is required and the obligations under sections 194 and 195 of the Migration Act will arise.

Note: In all aforementioned circumstances, any statutory bars that apply to the removee in relation to making a valid visa application while in the migration zone will remain in effect until such time that the removee departs Australia/the migration zone.

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4.4.3. Deportation – when the visa ceases

Subsection 82(4) of the Migration Act provides that a person's visa ceases when the person leaves Australia because of a deportation order made under section 200. The Department must not cancel the visa before the deportation order is made because the associated review rights involved in cancelling the visa would delay the deportation. For more information, refer to the criminal deportations section within [Section 501: The character test, visa refusal and visa cancellation – PI \(VM-1001\)](#).

Officers are to endorse the removee's visa label (if any) with a note that it will cease on deportation and include the date and time of scheduled deportation.

Removal Officers are to record details of the deportation in all relevant departmental systems.

4.5. Use of force and restraints during removal operations

4.5.1. Overview – use of force and restraints

Removal Officers must advise the airline of risk mitigation strategies as part of the process to seek uplift approval from the airline. This can include the escort service provider's intention to carry restraints. It will be at the airline's discretion to allow the carriage of restraints.

Under the Tokyo Convention, the pilot of the aircraft can authorise and/or direct the use of restraints to protect the safety of the aircraft. The Migration Act cannot authorise the use of force or restraints outside Australia. Authority for this must be derived from another source. Refer to the [Background - International conventions](#) part of this SOP for further information.

The following sections provide guidance on the principles and use of restraints by security escorts when removing or deporting persons from Australia and have been developed to:

- Outline the Department's responsibilities regarding safety and security during removal operations, including that of all persons being removed, departmental/ABF staff and escorts, airline staff and passengers
- Provide guidelines and procedures pertaining to the use of restraints by removal and escort officers
- Protect the rights and dignity of the removee
- Provide an appropriate level of protection for officers when executing their duties
- Ensure that restraints are used as a last resort and for the minimum time required
- Address community expectations that a reasonable level of cooperation had been sought from the removee and that all other avenues have been exhausted before deciding to use restraint
- Establish the forms of restraint that escort officers may and may not use
- Ensure staff awareness of the consequences that may arise from unlawful and unnecessary use of restraints
- Ensure that use of restraints is reported in the escort's report.

4.5.2. Background – International conventions

Once an escort party has boarded an aircraft and the aircraft door is closed, the provisions of the ICAO convention framework apply.

The relevant ICAO conventions, the Chicago Convention and the Tokyo Convention, enable escorts to use force and to restrain removees being removed on regular international flights and on charter aircraft when authorised by the aircraft pilot.

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Under Article 6(2) of the Tokyo Convention, if the aircraft pilot has reasonable grounds to believe that a person (including a removee) has committed, or is about to commit, on board the aircraft, an offence against penal law or an act that may jeopardise:

- The safety of the aircraft or of persons or property
- The good order and discipline on board

the aircraft pilot may impose on that person reasonable measures, including restraint, which are necessary to:

- Protect the safety of the aircraft or persons or property on board the aircraft
- Maintain good order and discipline on board
- Enable the aircraft pilot to deliver the person to competent authorities or disembark the person as allowed by the Tokyo Convention.

The aircraft pilot may authorise crew members to assist restrain, or a passenger to restrain, a person described above. Article 6(2) of the Tokyo Convention also allows for any passenger (including an escort) to take reasonable preventative measures without the authorisation of the aircraft pilot if they have reasonable grounds to believe action is immediately necessary to protect the safety of the aircraft, persons or property on board the aircraft.

If escorts use restraints on an international flight, Article 6(2) of the Tokyo Convention requires that the aircraft pilot notify the authorities of the State (or 'country') in which the plane is to land that a removee on board is under restraint and the reasons for that restraint. If an incident occurs on board the aircraft that requires the use of restraints, before continuing the journey the escort party may have to liaise with immigration and other authorities of the state of transit or disembarkation.

Annex 17 to the Chicago Convention provides contracting states, including Australia, with standard procedure and guidance on how to safeguard against potential acts of unlawful interference. ICAO's Aviation Security Manual contains further guidance and measures in relation to Annex 17 on how to prevent and respond to acts of unlawful interference by special categories of passengers, including those subject to judicial or administrative proceedings. Special categories of passengers include persons subject to removal or deportation, their escorts and inadmissible persons.

Under Annex 9 of the Chicago Convention, security escort officers are required to remain with a removee during transit stops and continue with them to their final destination unless other arrangements have been approved by the airline and local authorities at the transit point. Refer to the [Security escorts](#) part of this SOP for further information.

Note: The Tokyo and Chicago conventions **do not** authorise an escort to use force in an international transit area (i.e. outside Australia and not on board an aircraft). There is no alternative power to do so aside from ensuring compliance with the local laws and potentially obtaining consent from the local authorities, which carries its own risks.

4.5.3. Legislative basis for use of force and restraint in Australia

While onshore, the Migration Act authorises the reasonable use of force by officers in relation to the removal of UNCs under the following provisions:

- In subsection 5(1), taking a person into and maintaining detention includes the use of reasonable force in the definition of detain - this definition is relevant to a range of powers, including section 189 detention of UNCs
- In section 198, implicit authority to use force in removal

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- In section 252, searches of persons, in some circumstances, including where the person is detained in Australia.

These statutory provisions effectively provide authority for the lawful touching of a person which might otherwise constitute an assault, and enable officers to protect themselves and others when safety issues arise in connection with the performance of their duties. Refer to the [Work Health and Safety Information Management Systems - PS \(HR-2155\)](#) for further information.

Note: The above provisions only apply to 'officers' under the Migration Act. They do not apply to directed persons.

4.5.4. Principles for use of restraints

Use of force/restraints onshore can be either planned or unplanned. All planned use of force requires ABF Detention Superintendent authorisation. If used by an ABF Officer, that officer must be use of force trained as per the Operational Safety Order 2021 (the OSO). Refer to the [Operational Safety - PI \(BE-6645\)](#).

Only security escorts with the appropriate qualifications and relevant training are permitted to apply restraints where there is lawful justification for such use of force (refer to above and limitations applicable to directed persons set out in Annexure 1). When using a restraint, the restraint mechanisms should be discreet to maintain the removee's dignity as much as possible.

Escorts must take all reasonable action to ensure that the removee does not suffer physical harm while restrained and must:

- Apply restraints appropriately and as comfortably as practicable, and should not use them in a manner that is likely to cause injury, serious discomfort or potential danger to the removee
- Monitor the comfort and health of a removee at all times, prioritising it over other considerations. If the removee appears to be in severe discomfort or pain, the escort should adjust or remove the restraints and arrange the appropriate medical attention if necessary and reasonable
- Advise the removee of the powers of security escorts to use restraints and clearly explain the potential consequences of causing disruption or not cooperating during the removal operation, prior to the removal commencing
- Be aware of their responsibility to apply restraints appropriately and the potential for serious consequences for the removee, the Department and themselves, if not.

All escorts must understand that the use of force should be reasonable and proportionate to the perceived threat.

4.5.5. Who provides restraints?

If security escorts are used for a removal, the escort service provider should provide mechanical restraints.

Police or other contractors should use a departmental kit for any restraint required and are responsible for collecting and returning the restraint equipment to the ABF. The ABF will be responsible for supplying an aviation compliance kit.

If the airline does not allow escorts to carry restraints, the Removal Officer should check with aircraft crew that they will provide restraints if required, advise the FDSP/security escorts and note this in the [ODP](#).

4.5.6. Types of restraints

Refer to the [Detention Services Manual - Safety and security management - Use of force - PI \(DM-623\)](#), for the list of approved items for the types of restraints that escorts currently use.

Escorts must not use oral restraints (e.g. mouth-taping).

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Security or welfare escorts must not use sedatives as a method of restraint. If a medical practitioner (medical escort) prescribes sedatives to a removee, the matter is one between the removee (as patient) and medical practitioner. Neither the Department nor security escorts are to request the prescription and/or the administration of sedatives to a removee for restraint purposes.

4.5.7. When to use restraints

Security escorts will be the primary applicants of any restraint as they are trained in the application and use of force. It is always preferable for the security escort to seek cooperation from the removee through negotiation and the use of de-escalation techniques before using force, including restraints.

Security escorts should only use restraints as a last resort and for the minimum time required. Once the removee is compliant and following the security escort's instructions, the escort should assess whether to remove the restraints. This should be done as soon as practicable.

Security escorts must only use restraints if required to maintain the safety and security of the removee, departmental staff, escorts, airline staff and passengers during a removal.

Escorts may use restraints to prevent the removee from:

- Attempting to escape, including in domestic transit areas (i.e. within Australia)
- Injuring themselves during transportation or during a flight
- Injuring the escort officers or others
- Injuring the crew and/or passengers of an aircraft during a flight
- Damaging property
- Causing disruption during the aviation process.

Security escorts may only use restraints in circumstances when the actions of the removee require it and there is a lawful authority to do so (refer to the relevant sections in the [Escorted removals](#) part of this SOP, when considering whether such an authority exists). In such a circumstance, restraints may be used to control disruptive and/or non-compliant behaviour to the extent necessary to achieve a safe removal. Security escorts must not use restraints as a form of punishment.

The lead security escort and RLO (if present) managing a removal must record any instances of use of force and/or restraints in their [Escort's Removal Report](#) (ADD2008/849043). Refer to the [Operational Safety - PL \(BE-6645\)](#) for further information.

4.5.8. RLO role and use of restraints

RLOs are not security escorts and must not apply any force or restraints or be placed in a position by security escorts to do so, including on the escort's behalf. The only exception to this is if, during a flight, the aircraft pilot orders an RLO (as they may order any other passenger) to use force or apply restraints in accordance with the Tokyo Convention.

If an RLO is involved in a removal and becomes aware that a security escort is using force or restraints inconsistently with ABF principles, they are to immediately raise this concern with the lead security escort in reference to the standards outlined in this instruction. RLOs must clearly document any concerns or questions and subsequent actions in the [Escort's Removal Report](#) (ADD2008/849043) and must notify the Department's contract manager and relevant escort service provider on return to Australia.

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4.5.9. Monitoring appropriateness of restraints

During the removal, security escorts must continually assess the level of risk presented by the removee and respond accordingly. This also involves monitoring the continued necessity of any restraints. Security escorts must check the restraints regularly to ensure the safety and comfort of the removee.

4.5.10. Carrying and transporting restraints during the removal

Removal Officers and their supervisors, in consultation with the escort service provider, should use discretion in deciding whether it is appropriate or necessary to carry restraints during a removal operation. In doing so, officers should have regard to the policies and requirements of the relevant airline or transit country, as some airlines/countries will not allow restraints to be carried without authority.

Officers should determine whether authorisation is required for offshore jurisdictions or airlines and, if so, contact the airline or local Post at least one week prior to removal to obtain the necessary authority. If authority is obtained from another jurisdiction, the escort party should carry evidence of this authority.

If restraints are considered necessary, the lead security escort is responsible for carrying the restraint kit at all times during the removal. Restraints must be easily accessible yet kept out of public sight within a secured bag which can pass for carry-on luggage.

- The security escorts (who are officers under the Migration Act and **not** Directed Persons) must advise airport staff, airport security and aircraft crew that the security escorts are Australian Immigration escort officers on official duty escorting an UNC and are carrying the restraints for that purpose. The escorts must at all times carry a signed letter of authority to carry restraints. Refer to the [Authority to carry restraints](#) (ADD2017/2288039) for further information. Escorts must present this letter to check-in staff in transit and explain the reason for carrying the equipment. This is especially important on the security escort's return journey.

Security escorts are authorised to carry restraints within Australian airports and prescribed aircraft under:

- ATSR 4.63(2) *Persons authorised to have prohibited items in possession in sterile areas*
- ATSR 4.64(3) *Persons authorised to carry prohibited items through screening point*
- ATSR 4.65(4) *Persons authorised to have a prohibited item in possession on prescribed aircraft.*

Outside Australia, officers must determine whether authorisation is required for offshore jurisdictions and airlines.

For details on the procedures for transporting restraints, refer to the [Transporting restraints](#) part of this SOP.

4.5.11. Transporting restraints – return journey

Removal Officers must investigate the requirements for carriage of restraints for all countries of transit and destination, including the return journey. It is the Removal Officer's responsibility to ensure that necessary approvals are obtained prior to a removal commencing. Overseas Posts must be provided advance email notification regarding the carriage of restraints. Post may be able to assist with requirements and local notifications.

During any rest period at the completion of an escorted journey, restraints must be secured in the restraint kit bag and stored in a secure place. It is good practice to place a copy of the [Authority to carry restraints](#) (ADD2017/2288039) with the restraint kit in case check-in luggage is opened and searched.

The ABF must advise escorts that some transit countries and/or destination countries do not allow the transport or use of restraints. In such cases, the escort must secure the restraint kit in a storage locker at the airport to collect on departure.

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4.6. Escort reporting requirements

The lead security escort must complete an escort log throughout the course of the removal process. The escort log template is provided at the final page of the EOO and is attached to the [ODP](#). For further information on the [ODP](#) and EOO, refer to the [Risk Management Tools](#) part of this SOP.

The lead security escort must record in the escort log any incidents which cause, or threaten to cause, disruption during a removal, and report them to the Removal Officer as soon as practicable after the removal is completed. The lead security escort must also record incidents in and complete the [Escort's Removal Report](#) (ADD2008/849043). The completed escort removal report and escort log must be provided to the Removal Officer within 10 working days of removal completion.

If the application of restraints on a removee is required during a removal operation, the security escort must record a clear and detailed report of the event as soon as possible after it occurs and must document their reasons for using restraints. The security escort should provide the report to the responsible Removal Officer as soon as practicable after the event. The report will describe the kind of restraint used, the length of time restraints were used and the reasons why the security escort considered the use of restraints was necessary in the circumstances. The Removal Officer should save the report in TRIM. Refer to the [Operational Safety - PI \(BE-6645\)](#) for further information.

If the report reveals incidents during the removal (e.g. use of force, administration of medication, possible inappropriate behaviour towards the removee or welfare care arrangements in their home country), Removal Officers must advise their supervisor and refer the issue to an Inspector (or higher) to consider an appropriate response.

The responsible Removal Inspector or Supervisor should examine the report and decide whether further action is required (e.g. briefing the Communications and Media Branch or senior level management). Removal Officers must update departmental systems with the details of the review and/or further action taken.

Any further action is to be recorded on departmental systems. It is particularly important that the records of the incident are correct and sufficiently detailed. The report may be required at a later stage for investigations and/or inquiries, or for judicial or Senate hearings. Officers must be aware that escort officer decisions and actions may be subject to external scrutiny.

4.7. Escort expectations during a removal

Expectations:

- Security escorts should conduct escort activities as unobtrusively as possible to avoid unduly alarming the travelling public and respect the removee's privacy
- Security escorts should observe the aircraft operator's policy on securing and storing personal items, including personal electronic devices, belonging to the removee and security escorts
- The removee and security escorts must not engage in shopping, including duty free shopping, during the removal and should not enter any private airline or airport lounges
- Security escorts may only use reasonable force to prevent potentially dangerous behaviour that could cause harm to the removee, an escort officer or another person; jeopardise safety on board a vehicle or aircraft; or damage property. Refer to the sections in the [use of force and restraints](#) part of this SOP for further information.

Subject to the airline's discretion (noting boarding, seating allocation and disembarking are solely at the airline's direction), the removee should:

- Board before and disembark after all other passengers

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- Be seated as far to the rear of the passenger cabin as possible, but not in a lounge area or next to or across from an exit
- Be seated with the escort between the removee and the aisle
- Be accompanied and monitored at all times, including during visits to the toilet
- Only be served meals with glassware and metal utensils where considered operationally practical and in consultation with aircraft crew
- Not be served any alcoholic beverages.

Note: Removal Officers must advise overseas Posts in advance of all removals destined to or transiting through any country in their region of responsibility. Every country has its own laws and regulations governing the transit of non-citizens. If a person becomes non-compliant and refuses to fulfil their commitments while in the transiting country, it would be up to the government of that country to make a determination on their status. The security escorts would also have to adhere to that government's directives as they would be in their jurisdiction. To guarantee appropriate coordination and communication, the relevant overseas Post must be informed of the situation.

5. Post removal

5.1. Completion of removal/deportation

5.1.1. Unescorted removals

For unescorted departures, the officer(s) supervising the departure (whether the officer is from the FDSP or the Department) must accompany the removee to the point of departure and remain at the aircraft bay or departure gate until the aircraft has departed. The officer(s) are to remain at the airport for a short time in case the aircraft is forced to return. If this happens, a departmental or ABF officer with the appropriate training and authority is to take the person into section 189 detention. The Removal Officer must inform relevant departmental offices/staff that the departure has been aborted/postponed.

Note: An unescorted voluntary removee remains in immigration detention on the aircraft while it is attached to the aerobridge, as they are prevented from leaving by FDSP officers. If the removee is offloaded before the aerobridge is detached, they remain in immigration detention until offloaded, and there is no need to 're-detain' them. Obligations under sections 194 and 195 do not arise. However, if the removee is offloaded after the aerobridge is detached and the aircraft has started taxiing, they are no longer in immigration detention on the aircraft and must be 're-detained' upon offloading. In this case, obligations under sections 194 and 195 will arise.

5.1.2. Escorted removals

An escorted removal is completed only when the removee reaches the immigration clearance point at the final destination.

It is a requirement of the International Airline Transport Association (IATA) [International Airline Transport Association \(IATA\) Facilitation Policy Guidelines for the Removal of Deportees](#) that, if it has been determined a removee requires security escorts, escorts are to be provided to the initial **entry port of the country of final destination**. This applies to the use of security, welfare and/or medical escorts.

A security escort should only in very rare circumstances escort a removee to a transit destination and then allow them to proceed as an unescorted removal. The only occasion that this process can be considered is where a destination country has been assessed as ['Do not Travel'](#) by the DFAT, and it has been deemed too dangerous for departmental/ABF personnel (including contracted escort parties) to travel to that destination. In this circumstance, the escort party must accompany the removee until they depart from the last transit point prior to entry into the destination country. Removal Officers must advise the airline beforehand and seek written approval if a removee will proceed to their final destination unescorted.

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If the removal has an RLO, the RLO must immediately send a text message to their ABF contact in Australia. Security escorts should contact their head office in Australia to confirm successful completion and they will relay the message to the ABF. If there are significant issues with the removal, the escort or RLO should consider calling the relevant contact in accordance with the [ODP](#) to brief and discuss.

Removal Officers are to agree the process for confirming the removee's arrival at the destination with the escorts as part of the removal planning and must include details in the [ODP](#). The [ODP](#) should clearly specify at what point the escort function in relation to the removal is finalised. Usually, once the removee has successfully cleared the primary line at their destination (unless there are post-removal care handover arrangements to be carried out), the escort is to provide confirmation by phone, text or email to the Removal Inspector (EL1) as agreed in the [ODP](#).

5.2. Post-removal debriefing

5.2.1. Purpose of a post-removal debriefing

For complex or highly sensitive removal cases, Removal Officers should arrange a formal debrief to ensure a consistent understanding of what occurred, to obtain feedback and to ensure that processes and practices are reviewed for efficacy.

A post-removal debrief is a detailed after-action review of an activity, incident or occurrence to establish the facts related to the sequence of events, actions, reactions, counteractions, decisions and outcomes. A debrief focuses on organisational learning by considering opportunities for improvement in organisation, policy and procedures, command and control, personnel, training, system and equipment, support, facilities and engagement with external agencies. Debrief outcomes can provide a significant contribution to organisation learning and process improvement. For detailed guidance on procedures for conducting debriefing for all activities, incidents and occurrences, refer to the [DSM - Safety and security management - Debriefing - SOP \(DM-4845\)](#).

5.2.2. When to conduct a debrief

A debrief can be held for cases where:

- Sensitive legal, policy, procedural, inter-government or other issues arose during the planning, preparation or conduct of the removal
- A successful removal involved particularly sensitive elements (use of force or restraints, self-harm or removal of particularly vulnerable persons)
- A removal was aborted due to sensitivities or complexities
- A removal involved significant political, community or media interest
- Unprecedented issues arose
- The requirement for 48 hours' notice of removal was waived.

The debriefing should cover pre-removal planning and the physical removal from the point when the person was provided with the [NOIR](#). Refer to the [Providing a detainee with the Notice of Intention to Remove from Australia](#) part of this SOP.

5.2.3. Debriefing participants of the removal

A post-removal debrief is conducted when sufficient time (normally 3-5 days) has elapsed after the completion of the removal to allow for full consideration of the incident and the organisational response.

All departmental staff and contractors involved in an event (activity, incident or occurrence) should participate in the debrief. Personnel who are unable to attend should be engaged separately by the facilitator. Participants may include:

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- The Removal Officer
- The RLO leading the escorts and relevant removal staff
- The removee's SRO or a community SRO
- Litigation officers
- Contracted escort officers, if appropriate and available to participate
- A detention health services provider representative, if there are medical issues requiring input
- A MI representative, if a MI request has been lodged by a removee
- Detention Operations and FDSP representatives, if the removee is being removed from detention
- The relevant overseas Post or a representative from ABF International, if the removal is aborted overseas or has issues during transit.

5.2.4. Debriefing minutes

The Removal Officer should take minutes from all debriefings. As a minimum, the minutes should include the following:

- The legal, policy, procedural and other issues arising from the removal
- How these issues were addressed or overcome
- The impact and management of any incidents
- Any changes identified to current policies or procedures
- Existing policies or new policies/practices identified to resolve issues/incidents
- Follow-up action required within the Department or externally.

The facilitator should forward/email copies of the debriefing minutes to all participants and, if there are relevant issues, to non-participants, including:

- Relevant Removal Supervisor (APS6) or Inspector (EL1)
- Removals operational policy
- Local field operations and/or ABF Supervisor (APS6) or Inspector (EL1)
- Litigation officer.

5.3. Removals finalisation

5.3.1. Final reporting requirements

Upon confirmation of the aircraft pushback and the flight's departure, Removals Officers must finalise the removee records and complete the CCMD portal services to indicate that the removal has occurred. However, the removal is not considered complete until the removee has cleared immigration at the destination country. Removal Officers must make sure that all subsequent tasks have been completed before closing the removee's file.

- Complete all post-removal finalisation recordkeeping, including all the tasks and fields in the CCMD portal 'Returns and Removals' service and Compliance Status Resolution Service. Ensure all relevant records have been captured in TRIM. Check removee's records to ensure that there are no duplicate records. Refer to the [Updating departmental systems post-removal](#) part of this SOP
- Notify relevant stakeholders (e.g. SRO/other departmental staff) of removal when the case is finalised. This may be to advise them of the CCMD portal services still opened for the removee

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- Finalise OPTICS report
- Depending on local arrangements between the regional Removal Operations and Aviation Traveller sections, Removal Officers may be able to clear referral codes that were systems generated or manually entered by officers. For further information, refer to the [Referral codes - PI \(BC-2523\)](#) and the [Writing M304 border reports – PI \(BC-2485\)](#).

5.3.2. Updating departmental systems post-removal

Removal Officers must ensure that:

- The removee is listed on the Movement Alert List - refer to the [Movement alert list \(MAL\)](#) part of this SOP
- The departure is recorded on ICSE and other departmental systems - refer to the [CCMD portal and ICSE](#) part of this SOP
- Finalise the removal service in portal
- All removal costs have been calculated (as a debt to the Commonwealth or request for debt waiver) and forwarded to debtors for entry in departmental financial systems. Instructions on notification to the relevant areas is provided in the [Removal and detention costs](#) part of this SOP.

For guidance on recording removal consistently on the CCMD portal, refer to the [CCMD Returns and Removals](#) SharePoint site.

5.3.2.1. Movement alert list (MAL)

Following removal, responsibility for entering a removee's details on MAL may vary from office to office, however the Removal Officer is ultimately responsible for ensuring the MAL entry is made.

The entry is to:

- Indicate that the removee was removed under section 198 of the Migration Act (or other section)
- List the removee's and jointly and severally-liable person's debt to the Commonwealth
- List the relevant exclusion Public Interest Criteria and/or SRCs:
 - o Public Interest Criteria 4004 - Debts to the Commonwealth
 - o Public Interest Criteria 4013 - Eligibility for grant of certain visas may be affected for three (3) years after the date of visa cancellation
 - o Public Interest Criteria 4014 - Eligibility for grant of certain (mostly temporary) visas may be affected for three (3) years if the date of departure is more than 28 days since last substantive visa ceased
 - o SRC 5001 - Deportations and some section 501 cancellations (Note: SRC 5001 applies only if the person's visa was cancelled (not refused) wholly or partly because they were found to have a substantial criminal record or they were found not to be of good character, having regard to their past and present criminal conduct or their past and present criminal and general conduct)
 - o SRC 5002 - Removal under sections 198, 199 or 205 of the Migration Act.

MAL should be updated to reflect the person's removal and any exclusion periods which may apply. For most clients, a MAL Person Alert List entry should have been created upon their location by Compliance. An example of a standard MAL entry update for a removal is as follows:

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Example:

****DDMMYYYY QLD REMOVALS ADVISES A/N REQUESTED REMOVAL. SECTION 198 ESCORTED REMOVAL DDMMYYYY ON FLIGHT XXXXX BNE TO ICN THEN SUPERVISED ON FLIGHT XXXXX ICN TO PEK. PIC 4004 DEBT TO CTH APPLIES. SRC 5002 SECTION 198 REMOVAL 1 YEAR EXCLUSION APPLIES. PIC 4014 DEPARTED MORE THAN 28 DAYS AFTER SUBSTANTIVE VISA CEASED 3 YEAR EXCLUSION APPLIES.****

In addition to confirming the accuracy of all information in the MAL entry, the Removal Officer should check to see whether the reason code and the review code require updating to reflect the removal information.

The actual amount of the removal debt is not to be listed in MAL. For more detail, refer to the [Removal and detention costs](#) part of this SOP.

Officers requiring more information should consult the detailed MAL instructions available from their Compliance Manager. Refer to the [Exclusion periods – PI \(VM-990\)](#).

5.3.2.2. CCMD portal and ICSE

Removal Officers must ensure that the following details and are recorded in departmental systems:

- The 'country departed to' field has been completed
- The relevant CCMD portal qualifier (and, if applicable, sub-status) is recorded. The CCMD portal qualifiers include the following:
 - o Involuntary escorted
 - o Involuntary unescorted
 - o Criminal deport
 - o Voluntary escorted
 - o Voluntary unescorted
 - o Finalised - Client deceased
 - o Finalised - Client now Australian citizen
 - o Finalised – Escaped
 - o Finalised - Lawful - case law affected
 - o Finalised - Substantive visa granted
 - o Finalised - Whereabouts unknown
 - o Finalised - Granted BVE
 - o Finalised - Request for removal withdrawn
 - o Finalised - Protection assessment ongoing.
- The flight details have been recorded
- If the removee is escorted during removal, the reason for the escorts (Aviation Transport Security Regulations, ABF-led charter operations)
- Immigration detention details have been updated
- Known details of previous dates for attempted removal noted in Removals Service, including reasons why previous attempts were aborted (non-compliance, judicial review lodged etc)
- List whether the removee was compliant throughout operation

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- Identify whether the removee was voluntary or involuntary towards their removal
- Any incidents (restraints, disturbances etc) that are attributed to the removee during the removal operation (inclusive of time at IDF)
- If not listed, the TD details (registration, document number, validity period, etc)
- Travel path (flight itinerary and times) for removal operation
- In the case of a removee being deported, the removee's visa has been manually ceased, and
- All relevant notes have been recorded, including SRO notified.

Before finalising the event on departmental systems, the Removal Officer is to check the removee's record to ensure that the person has only one client ID and that the removee's record is showing the removee as being offshore. If there is more than one client ID for the removee, it is the Removal Officer's responsibility to arrange for the IDs to be 'merged'. The ID merge request is lodged via Client Search Portal. For instruction, refer to guidance in the [Requesting a client merge using CSP if PIDs already merged in TRIPS](#) (ADD2015/382356). For assistance, contact IT Support on [s. 22\(1\)\(a\)\(ii\)](#)

When IFFs and UMAs are created in departmental systems, an enforcement permission request is usually recorded in the non-citizens ICSE record. For accurate recordkeeping, Removal Officers are to add a 'Finalisation – Departure' event to the enforcement permission request post-removal.

6. Accountabilities and responsibilities

Role	Description
Removal Officer	Responsible for: • identifying the need for additions or amendments to this SOP and submitting the details to the Enforcement and Immigration Compliance Operational Policy Section • ensuring draft versions of this SOP are reviewed and solution focussed feedback is provided within the specified timeframes • complying with the instructions outlined in this SOP.
All Superintendents with Removals responsibilities (including, but not limited to Removal Operations, Regional Removals, Detention and Removals Capability, Enforcement and Immigration Compliance Management)	Responsible for: • provision of advice on capability, operational and environmental changes to inform policy and procedures • provision of advice and relevant attendance of subject matter experts at stakeholder consultation workshops • identifying additional stakeholders that should be consulted • ensuring draft versions of this SOP are reviewed and solution focussed feedback is provided within the specified timeframes • ensuring all responsible Commanders and Chief Superintendents are informed of updates and changes to operational policy.
Removal Liaison Officer (RLO)	Responsible for: • accompanying an escort party and liaising with a range of internal and external stakeholders (including airline, airport and foreign government officials) during a complex or sensitive removal of an UNC.

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Role	Description
Status Resolution Officer (SRO)	Responsible for: delivering targeted services to people seeking to resolve their immigration status while in the community or held detention. SROs contribute to the integrity of Australia's migration program by facilitating immigration outcomes for non-citizens, in a timely and lawful manner, while managing risk to the community.
Superintendent: Enforcement and Immigration Compliance Operational Policy Section (Document Owner)	Responsible for: - directing regular evaluation of the document to ensure that it achieves the intended purpose - determining whether the document requires editing or retirement - monitoring change and amendments to legislation or other legal requirements, policy, business operations or risk profiles that may affect document content. - endorsing/approving Standard Operating Procedures.
Removals Operational Policy Team Enforcement and Immigration Compliance Operational Policy Section (Document Drafter)	Responsible for: - drafting documents in compliance with the Policy and Procedure Control Framework (PPCF) - undertaking stakeholder consultation - updating key requirements of the policy or procedure, when required.

7. Version control

Version number	Date of issue	Author(s)	Brief description of change
1.0	26/08/2025	Enforcement and Immigration Compliance Operational Policy	Document created using content taken from: <i>Removal from Australia - Travel documents for removal purposes - PI (BE-5507)</i> <i>Removal from Australia - Removing Unlawful Non-Citizens from Different Environments - PI (BE-5506)</i> <i>Removal from Australia - Removal of minors and families under sections 199 and 205 of the Migration Act 1958 (the Migration Act) and the removal of UAMs under section 198 of the Migration Act - PI (BE-5505)</i> <i>Removal from Australia - Removal notification - PI (BE-5504)</i> <i>Removal from Australia - Post removal support - PI (BE-5501)</i> <i>Removal from Australia - Post-removal procedures - PI (BE-5500)</i> <i>Removal from Australia - Operational planning and logistics - PI (BE-5499)</i>

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Version number	Date of issue	Author(s)	Brief description of change
			• <i>Removal from Australia - Notifying stakeholders of the removal - PI (BE-5498)</i> • <i>Removal from Australia - Implementing removal from Australia - PI (BE-5496)</i> • <i>Removal from Australia - Health Assessments - PI (BE-5494)</i> • <i>Removal from Australia - Facilities and detainee service provider assessments - PI (BE-5493)</i> • <i>Removal from Australia - Escort arrangements - PI (BE-5491)</i> • <i>Removal from Australia - Aviation security requirements - PI (BE-5489)</i> • <i>Removal from Australia - Removal and Detention Costs - PI (DM-567).</i>
1.1	14/10/2025	Enforcement and Immigration Compliance Operational Policy	Administrative amendment to CTM email contact address

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Attachment A – Definitions

Term	Acronym (if applicable)	Definition
Aborted removal		An aborted removal results from an incident that occurs post-extraction from an IDC/APOD where a removal is halted (including from a correctional facility in the case of a prison to plane removal, except in instances where the airline cancels the flight). Instances include, but are not limited to: • Detainee behavioural concerns • Protest activity • Entry has been denied at transit or destination country • Significant medical concerns • Uplift has been withdrawn/detainee offloaded • Injunction granted at the airport • Any reason that sees a removee returned to Australia. Refer to the Notifiable Event List (NEL) (ADD2024/7480981).
Airline liaison officer	ALO	Departmental Airline Liaison Officers (ALO) are officers strategically located at key international airports, who operate ahead of the border to identify and manage threats and risks before they reach the Australian border. They work with airlines, airport security groups, host governments and colleagues from other countries to screen passengers travelling to Australia.
Alternative Place of Detention	APOD	A place of immigration detention where accommodation is more appropriate to support individuals and facilitate status resolution.
Authorised recipient		Section 494D of the <i>Migration Act 1958</i> enables a person (the <i>first person</i>) to appoint another person as the <i>authorised recipient</i> for specified matter(s). If an authorised recipient is appointed in writing for a particular matter, all correspondence that would have been given to the first person for that matter must, as a matter of law, be given to the authorised recipient.
Best interest of a child	BIC	Article 3(1) of the <i>United Nations Convention on the Rights of the Child 1989</i> sets out that the best interests of the child must be a primary consideration in all actions concerning a child. When considering the best interests of the child, individual circumstances should be considered including (although not limited to) the presence or absence of parents, the availability of a safe and supportive family environment provided by carers and/or relatives, any needs and vulnerabilities and the child's views (including factors that may affect those views such as, age, level of maturity and understanding).

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Term	Acronym (if applicable)	Definition
Body scanner		A device that detects objects on or inside a person's body for security screening purposes, without physically removing clothes or making physical contact.
Cancelled removal		A cancelled removal results from an incident/event that occurs prior to extraction from an IDC/APOD (or released from a correctional facility in the case of a prison to plane removal) where a removal is postponed or rescheduled and, • Detainee's flight itinerary has been received, and/or • Stakeholders have been notified of a removal date. Instances include, but are not limited to, flight cancelled/rescheduled by airline, any barrier to removal etc.
Checked through		A term to describe baggage that will be transferred between airlines and/or transit points during removal.
Command, control and coordination	C3	C3 is the operational doctrine that informs and guides how all operational activities are planned, coordinated, communicated, executed and is the mandated guide to be used by ABF officers.
Compliance Case Management and Detention Portal	CCMD portal	Departmental record keeping system used to record and manage visa compliance, status resolution, detainee data and departmental decisions.
Comprehensive Assessment Tool	CAT	Notification assessment tool designed to support officers to assess whether a person is affected by a notification defect.
Consulate		Consulates are subordinate Posts of their home country's diplomatic mission, typically an embassy or high commission, in the capital city of the host country. Diplomatic missions are established by international law under the <i>Vienna Convention on Diplomatic Relations 1961</i> , while consulates-general and consulates are established in international law under the <i>Vienna Convention on Consular Relations 1963</i> .
Content Manager	TRIM	TRIM is the Department's Electronic Document and Record Management System that provides the framework and functionality to capture, manage and share critical business information. TRIM includes a classification scheme, retention and disposal authorities to assist manage the lifecycle of departmental information.
Convention on International Civil Aviation	Chicago Convention	This agreement established the core principles permitting international transport by air and led to the creation of the specialised agency which has overseen it ever since – the International Civil Aviation Organization (ICAO).

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Term	Acronym (if applicable)	Definition
Convention on Offences and Certain Other Acts Committed On Board Aircraft	Tokyo Convention	Its purpose is to protect the safety of the aircraft and of the persons or property thereon and to maintain good order and discipline on board. The aircraft commander, members of the crew and, in specific circumstances, passengers on board, are empowered to prevent the commission of such acts and to disembark the person concerned.
Criminal detention		Defined under Regulation 1.09 of the <i>Migration Regulations 1994</i>. A person is in criminal detention if they are: • serving a term of imprisonment (including periodic detention) following conviction for an offence, or • in prison on remand. A person is not in criminal detention if they are subject to a community service order, on parole after serving part of a term of imprisonment or on bail awaiting trial.
Criminal Justice Stay Certificate	CJSC	A CJSC given under sections 147 or 148 of the Migration Act is a short-term measure to stay immediate removal action for the administration of criminal justice. Immigration detention is lawful while a Criminal Justice Visa (CJV) is considered. A CJSC holder in immigration detention, who requests removal from Australia, must have their removal planning progressed as soon as reasonably practicable. To stay removal, alternative management strategies must be put in place by the relevant law enforcement authority. The CJSC does not render the non-citizen lawful, as it is not a visa, and the CJSC does not limit any power under the Migration Act to detain the non-citizen (section 152 of the Migration Act).
Criminal Justice visa	CJV	A CJV is a temporary visa granted to allow the entry or stay, or to regularise the status, of a person required for the administration of criminal justice. A CJSC or Criminal Justice Stay Warrant (CJSW) must be in force before the Minister can consider whether to issue a CJV (section 157 of the Migration Act).
Deportee		Defined in subsection 5(1) of the Migration Act, a deportee is a person in respect of whom a deportation order is in force. A deportation order means an order for the deportation of a person made under, or continued in force by, section 200 of the Migration Act.
Detention Health Service Provider	DHSP	An organisation contracted by the Department to provide health services for persons under the care or control of the Department.
Escort		An escort for removals can be: • An employee of a contracted detention services provider • A police officer • A medical escort

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Term	Acronym (if applicable)	Definition
		• A welfare escort • A removal liaison officer • Directed persons.
Facilities and Detention Service Provider	FDSP	Contracted by the Department to provide facilities and detainee services on behalf of the Australian Government.
Field Operations Officer	FOO	FOOs are part of the status resolution continuum and work in close collaboration with Status Resolution/ Detention/ Removals programs and external partners. FOOs conduct warrant or non-warrant operations to locate: • UNC's and regularise their visa status or detain them • Lawful non-citizens (LNCs) allegedly in breach of visa work conditions.
Finally Determined		For the purpose of exercising removal powers under section 198, an application is 'finally determined' in accordance with section 11A of the Migration Act, and where removal is authorised by taking into account sections 197C and 197D of the Migration Act.
Financial delegate		A financial delegate has certain powers, functions and authorities under the <i>Public Governance, Performance and Accountability Act 2013</i> (PGPA Act) or the <i>Financial Framework (Supplementary Powers) Act 1997</i> (FF(SP) Act) in accordance with the directions specified in the Department's financial delegation schedules.
Fitness to Travel Assessment	FTTA	The FTTA is an assessment by a health professional which allows a determination that a person is clinically cleared to travel, primarily on an aircraft (commercial or charter) with or without support.
Guardian		Defined in regulation 1.03 of the Migration Regulations as a person, in relation to a child, who: (a) has responsibility for the long-term welfare of the child, and (b) has, in relation to the child, all the powers, rights and duties that are vested by law or custom in the guardian of a child, other than: (i) the right to have the daily care and control of the child, and (ii) the right and responsibility to make decisions concerning the daily care and control of the child.
Health Discharge Assessment	HDA	A formal process used within immigration detention and removal operations to assess and document the health status of a person prior to their release or removal from detention.

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Term	Acronym (if applicable)	Definition
Health Discharge Summary	HDS	A form documenting the HDA, which summarises the health status of a detainee. The HDS, which promotes continuity of care, provides health information to future health professionals who will provide medical care to the detainee.
Identifying information		Defined in section 336A of the Migration Act. Identifying information means: (a) <i>any personal identifier obtained by the Department for one or more of the purposes referred to in subsection 5A(3);</i> (b) <i>any meaningful identifier derived from any such personal identifier;</i> (c) <i>any record of a result of analysing any such personal identifier or any meaningful identifier derived from any such personal identifier;</i> (d) <i>any other information, derived from any such personal identifier, from any meaningful identifier derived from any such personal identifier or from any record of a kind referred to in paragraph (c), that could be used to discover a particular person's identity or to get information about a particular person.</i>
Illegal Foreign Fishers	IFF	The term IFF is not defined in the Migration Act. It is used to describe a non-citizen who is suspected of committing an offence against the following laws prescribed by regulation 5.18 of the Migration Regulations for the purposes of paragraph 262(1)(b) of the Migration Act: • <i>Continental Shelf (Living Natural Resources) Act 1968 (Cth)</i> • <i>Fisheries Act 1905 (WA)</i> • <i>Fisheries Act 1952 (Cth)</i> • <i>Fisheries Act 1976 (Qld)</i> • <i>Fishing Industry Organisation and Marketing Act 1982 (Qld)</i> • <i>Fisheries Management Act 1991 (Cth)</i> • <i>Torres Strait Fisheries Act 1984 (Cth).</i>
Immigration Detention		Defined in section 5 of the Migration Act, immigration detention means: (a) <i>being in the company of, and restrained by:</i> (i) <i>an officer; or</i> (ii) <i>in relation to a particular detainee –another person directed by the Secretary or Australian Border Force Commissioner to accompany and restrain the detainee; or</i> (b) <i>being held by, or on behalf of, an officer:</i> (i) <i>in a detention centre established under the Migration Act; or</i>

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Term	Acronym (if applicable)	Definition
		(ii) in a prison or remand centre of the Commonwealth, a State or a Territory; or (iii) in a police station or watch house; or (iv) in relation to a non-citizen who is prevented, under section 249, from leaving a vessel – on that vessel; or (v) in another place approved by the Minister in writing but does not include being restrained as described in subsection 245F(8A), or being dealt with under paragraph 245F(9)(b) of the Migration Act. Note 1: Subsection 198AD(11) provides that being dealt with under subsection 198AD(3) does not amount to immigration detention. Note 2: This definition extends to persons covered by residence determinations (refer to section 197AC).
Immigration Detention Centre	IDC	Defined in section 273 of the Migration Act, detention centre means a centre for the detention of persons whose detention is authorised under the Migration Act 1958. Place where people are held who are subject to immigration control in custody whilst they wait for permission to enter, or before they are deported or removed from, the country. It is an administrative place of being held, not a criminal procedure. Centres do not include transit accommodation.
Immigration Detention Facilities	IDF	Refers to both immigration detention centres (IDCs) and alternative places of detention (APODs).
Immigration guardianship of children delegate	IGOC delegate	Officers of the Commonwealth and state and territory governments who have delegated powers under the IGOC Act. Note: The kinds of powers delegated to officers are subject to individual roles and position, which are specifically outlined by an instrument of delegations (refer to ADF2022/394448 for the current Instrument). A common power shared by all IGOC delegates is guardianship of IGOC minors.
Immigration guardianship of children minor	IGOC minor	A UAM who, as defined under section 4AAA of the Immigration (Guardianship of Children) Act 1946 (the IGOC Act): - enters Australia as a non-citizen - has not turned 18 - intends, or is intended, to become a permanent resident of Australia; and - did not enter Australia in the charge of, or for the purposes of living in Australia under the care of, a parent, a relative who is 21 years of age or over, or an intending adoptive parent.

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Term	Acronym (if applicable)	Definition
Informed Request for Removal Statement	IRRS	The purpose of the IRRS is to ensure that, if Australia's <i>non-refoulement</i> obligations may be engaged, the person is made aware of this in order to make an informed decision to return to their home country. While individuals are assumed to understand their own circumstances when deciding whether to ask to be removed, it is nonetheless important that the Department shows due diligence by informing the person of information the Department has in relation to risks that person may face on return about which the person could be unaware.
Integrated Client Services Environment	ICSE	The Integrated Client Services Environment (ICSE) is the departmental legacy system for visa management.
In-trust property		All property that the FDSP holds possession of or stores on behalf of a detainee. In addition, all excluded and controlled items are to be held as in-trust property.
Judicial review		Review by a court is called judicial review. It tests the legality of a decision and whether an official had the power to make the decision. Judicial review can also test whether procedural fairness was afforded in the making of a decision, and if it was made without error of law or failure to consider relevant material. Judicial review will not review a matter on its merits.
Mandatory Control Point	MCP	Part of the Status Resolution System Control Framework consisting of a number of identified decision points in the compliance pathway. The decision points represent a significant level of risk to decision makers, non-citizens, detainees, the Department and other stakeholders. Removal Officers complete MCPs 10 and 12.
Merits review		An independent review of administrative decisions made under Commonwealth laws.
Ministerial Intervention	MI	The Minister has non-delegable, non-compellable powers under several sections of the Migration Act to intervene in individual cases if the Minister thinks it is in the public interest to do so. What is and what is not in the public interest is for the Minister to decide. The relevant post-review sections of the Migration Act are sections 351, 417 and 501J. The Minister also has personal powers to: - Lift an application bar to allow a person who has had a PV refused or cancelled to make another PV application onshore (section 48B) - Grant a visa to a person who is in immigration detention (section 195A) - Determine in writing that the section 198AD power to transfer an unauthorised maritime arrival to a regional

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Term	Acronym (if applicable)	Definition
		processing country does not apply to a person (section 198AE).
<i>Non-refoulement</i> obligations		An obligation not to forcibly return, deport or expel a person to a place where the person will be at risk of specific types of harm. Australia has <i>non-refoulement</i> obligations as a result of being party to the 1951 Convention Relating to the Status of Refugees and its 1967I protocol (the Refugee Convention), International Covenant on Civil and Political Rights (ICCPR) and its second optional protocol, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).
Notice of Intention to Deport from Australia	NIDA	The form used to issue a deportee written notice of the planned deportation date.
Notice of Intention to Remove from Australia	NOIR	The form used to issue a removee written notice of the planned removal date.
Operational Departure Plan	ODP	The ODP is the key tool for describing how an escorted removal will be executed and resourced, and includes all logistical, communication and contact matters. An ODP is required for all escorted removals where an ABF Operational Order has not been developed.
Operational Planning, Tasking and Incident Coordination System	OPTICS	Internal departmental system used by the ABF to record and report incidents, and to support operational planning and task management associated with incident response and ABF operations.
Overseas Travel Risk Assessment	OTRA	The OTRA is a risk assessment completed for departmental officers and contractors (travelling as an escort party) to high-risk destinations in support of a removal operation.
Person in custody	PIC	For the <i>Aviation Transport Security Regulations 2005</i> , a PIC is a person in custody under an Act, including a law governed by State or Territory, who needs to travel by air. Different requirements apply to a person who is in custody under the Migration Act and those who are in custody other than under the Migration Act.
Post-removal support	PRS	PRS assists removees with immediate post-removal needs. PRS must only be provided for the purpose of facilitating removal from Australia. Wherever possible, the Department will provide the removee with required goods and services.
Pre-removal clearance	PRC	A PRC is a review, before removal, of a person's circumstances and relevant country information to identify whether there is any risk that the proposed removal would breach Australia's <i>non-refoulement</i> obligations.
Prison to Plane	P2P	Prison to Plane refers to:

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Term	Acronym (if applicable)	Definition
		- A non-citizen who is removed directly from a correctional facility to an aircraft, or - A non-citizen who is transferred from a correctional facility to immigration detention for a period of less than 72 hours prior to their removal from Australia.
Projected removals list	PRL	Is an overview of proposed removals for the next seven days from all regional locations based on information recorded by the responsible business areas in the CCMD Portal.
Rapid removal		Rapid Removal or removal stream is engaged following detention where the non-citizen meets the following criteria: (i) they are an adult, and (ii) they are a voluntary removal, and (iii) there are no doubts as to their lawful status, and (iv) they have no matters before the Department, tribunals or courts, and (v) there are no doubts as to either their identity (or their identity is likely to be established within 21 days), and (vi) they have a valid travel document in place or may be able to obtain one within 21 days to facilitate their removal, and (vii) they have no known (and have not indicated any) health or medical reasons preventing their removal, and (viii) any criminal justice impediment to removal (e.g. a Criminal Justice Certificate, Visa or Warrant or visa) is likely to be resolved within 21 days.
Regional processing country	RPC	A country designated by the Minister under section 198AB(1) of the Migration Act as a regional processing country.
Removal Availability Assessment	RAA	The key tool to determine whether a person is liable and available for removal, which documents other administrative removal requirements. The RAA prompts the assessing officer to consider both legislative and policy issues related to removal through a series of factual and procedural questions. The RAA is MCP10.
Removal complexity indicators	RCI	A metric added to all 'Returns and Removal' services in the CCMD portal for internal reporting purposes.
Removal of Interest Brief	ROIB	A ROIB is a reporting product owned by a Removal Officer to generate in the CCMD portal for advice to a range of stakeholders to manage operational and other risks. It

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Term	Acronym (if applicable)	Definition
		contains information from various stakeholders involved with removal planning (e.g. SRO, field operation officers and litigation).
Removal Officer		A departmental officer who is responsible for planning and coordinating the removal of UNCs.
Removee		Defined in section 5 of the Migration Act, a removee is <i>an unlawful non-citizen removed, or to be removed, under Division 8 of Part 2 of the Migration Act</i> .
Request for removal	RFR	A removee's request in writing to the Minister to be removed from Australia per subsection 198(1) of the Migration Act.
Request for service	RFS	A form submitted through the CCMD portal providing instruction to the FDSP.
Status Resolution Officer	SRO	SROs facilitate timely status resolution outcomes while managing risks to the community. They are responsible for determining tier allocation, support needs and the level of intervention required. For more information on the SRO role, refer to the Status Resolution Officer - PI (VM-6363) .
Subclass 070 (Bridging (Removal Pending)) visa	RPBV	A temporary visa granted to allow the release from detention, pending their removal, of persons who have been cooperating with efforts to remove them from Australia but whose removal is currently not reasonably practicable.
Supervised departure		An <i>Aviation Transport Security Regulations 2005</i> term meaning a supervised departure involving the unescorted departure from Australia of non-citizens who are cooperating in the departure process and any associated domestic travel for the purpose of that departure.
Sur Place claims		A person who is not a refugee on departure from their country of nationality or former habitual residence, but becomes a refugee later, is called a refugee 'sur place'. <i>Sur place</i> claims refer to claims that arise after the person has left their country of nationality or former habitual residence. These claims may arise due to events in the country of nationality or former habitual residence (e.g. a significant change in political circumstances) or because of his or her actions outside that country (e.g. religious conversion while in Australia or taking part in activities that may lead to persecution for reasons of political opinion). In some cases, the very act of applying for a PV may give rise to a <i>sur place</i> claim. Article 1A of the Refugee Convention only requires that a refugee be outside their country of origin when claiming a well-founded fear of persecution. There is no requirement that a person left their country of origin with that well-founded fear.

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Term	Acronym (if applicable)	Definition
		For example, a person may legitimately come to Australia as a student or visitor and become a refugee after arrival because of events in their country of origin.
Travel Document	TD	An identity document issued by a government or international treaty organisation to facilitate the movement of individuals or small groups of people across international boundaries (e.g. a passport).
Unaccompanied minor	UAM	UAM has no definition in migration-related legislation. For the purpose of the Child Safeguarding Framework - PS (BE-916) , it is defined as a person under 18 years of age who arrives in Australia without being in the charge of, or for the purpose of being cared for by, a parent or legal guardian recognised under Australian law.
Unauthorised Maritime Arrival	UMA	Defined in section 5AA of the Migration Act, a UMA is a person who entered Australia by sea: • At an excised offshore place at any time after the excision time for that place; or • At any other place at any time on or after the 1 June 2013 commencement of the <i>Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Act 2013</i>; and • Became an unlawful non-citizen because of that entry and is not an excluded maritime arrival. The term also includes a child born in Australia or in an RPC to a parent who is an UMA, unless the child is an Australian citizen at the time of birth. The term UMA replaced the term offshore entry person (OEP).
Unlawful Non-Citizen	UNC	A non-citizen in the migration zone who is not a lawful non-citizen (refer to Section 14 of the Migration Act). A lawful non-citizen is a non-citizen in the migration zone who holds a visa that is in effect. A person may be an unlawful non-citizen if they entered Australia without being immigration cleared (e.g. without a visa), or entered lawfully on a visa that has either subsequently ceased and has not been replaced with another visa, or has been cancelled since the person entered Australia.

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Attachment B – Assurance and control matrix

1.1 Powers and obligations

Note: Staff exercising any powers, delegations or authorisations outlined in this SOP (listed here) must check the latest delegation advice on the Intranet or the relevant instrument in LEGEND to ensure they currently hold the applicable power, delegation or authorisation. Requests for advice regarding delegations can be sent by email to [s.22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au)

Legislative Provision			Is this power delegated?	If delegated, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
	Section 44	Disclosure to certain bodies and persons	yes	Authorisation to disclose Immigration and Border Protection information (Authorisation) <i>Australian Border Force (Secretary) Instrument No. 1 of 2018</i> (ABF (S) No.1 of 2018) (Delegation) <i>Secretary (Department of Home Affairs) Appointment, Authorisation, Delegation and Nomination</i> (ADMIN 23/002) (Delegation)
	Section 45	Disclosure in accordance with agreements		
	4.80	Escort arrangements for flights involving movements of non-dangerous persons		
	4.87	Required escort arrangements for flights involving movements of dangerous persons		
	4.89	Agreement on escort arrangements required for flights involving non-standard movements		
Migration Act 1958	116	Power to cancel	yes	Minister — Delegations and Authorisations Instrument No. 1 of 2018 <i>(Secretary and Australian Border Force Commissioner) (MHA No. 1 of 2018)</i>

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Legislative Provision			Is this power delegated?	If delegated, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
				<i>Home Affairs Legislation (Minister – Decision-making powers for Immigration Group and National Security and Resilience Group) Delegation and Authorisation 2021</i> (ADMIN 21/051)
	137K	Applying for revocation of cancellation	no	n/a
	150	Criminal justice stay certificates stay removal or deportation		
	166	Persons entering to present certain evidence of identity etc.		
	189	Detention of unlawful non-citizens		
	194	Detainee to be told of consequences of detention		
	195A	Minister may grant detainee visa (whether or not on application)		
	196	Duration of detention		
	197AC	Effect of residence determination		
	197AD	Revocation or variation of residence determination		
	198	Removal from Australia of unlawful non-citizens		
	199	Dependants of removed non-citizens		
	200	Deportation of certain non-citizens	yes	Australian Border Force (Minister) Delegations and Authorisations 2018 (M) No. 1 of 2018) (ADMIN 21/051)

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Legislative Provision			Is this power delegated?	If delegated, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
	201	Deportation of non-citizens in Australia for less than 10 years who are convicted of crimes	no	n/a
	202	Deportation of non-citizens upon security grounds		
	203	Deportation of non-citizens who are convicted of certain serious offences		
	205	Dependents of deportee	yes	ABF (M) No.1 of 2018 ADMIN 21/051
	206	Deportation order to be executed	yes	ABF (M) No.1 of 2018
	213	Carriers may be liable for costs of removal and deportation	yes	ABF (S) No.1 of 2018 ADMIN 23/002
	216	Use of existing ticket for removal or deportation	yes	ABF (S) No.1 of 2018 ADMIN 23/002
	222	Orders restraining certain non-citizens from disposing etc. of property		
	223	Secretary or Australian Border Force Commissioner may give direction about valuables of detained non-citizens		
	224	Dealing with seized valuables		
	250	Detention of suspected offenders		ABF (M) No.1 of 2018 ABF (S) No.1 of 2018
	251(4)	Powers of entry and search		ABF (S) No.1 of 2018 ADMIN 23/002
	252	Searches of persons		ABF (M) No.1 of 2018 ABF (S) No.1 of 2018
	254(2)	Secretary or Australian Border Force Commissioner may give removee or deportee written		ABF (S) No.1 of 2018 ADMIN 23/002

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Legislative Provision			Is this power delegated?	If delegated, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
		notice regarding removal or deportation order		
	256	Person in immigration detention may have access to certain advice, facilities etc.	no	n/a
	262(2)	Liability to the Commonwealth for the cost of keeping, maintaining and removing certain persons	yes	<i>Migration (Minister) (Instrument-making powers) Delegation 2021 (No. 2) (ADMIN 21/160)</i> <i>ABF (M) No.1 of 2018</i>
	263	Secretary or Australian Border Force Commissioner able to issue notice of debt		<i>ABF (S) No.1 of 2018</i> <i>ADMIN 23/002</i>
	264	Garnishee notice		
	267	Secretary or Australian Border Force Commissioner may freeze amounts to secure future debts	yes	<i>ABF (S) No.1 of 2018</i> <i>ADMIN 23/002</i>
	351	Minister may substitute more favourable decision	no	n/a
	501	The character test, visa refusal and visa cancellation	yes	<i>ABF (M) No.1 of 2018</i> <i>ADMIN 21/051</i>
	501J	Refusal or cancellation of protection visa - Minister may substitute more favourable decision	no	n/a
<i>Privacy Act 1988</i>	Schedule 1	Australian Privacy Principles (APPs)		

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1.2 Controls and assurance

Related Policy	<u>Accountable Authority Instructions - PS (FM-4808)</u> <u>Australian Border Force - Event Categorisation and Reporting Framework - PS (BE-6315)</u> <u>Best Interests of the Child - PS (DM-5721)</u> <u>Child Safeguarding Framework - PS (BE-916)</u> <u>Employment Screening for Child-related Roles - PS (DM-917)</u> <u>Guardianship of certain non-citizen minors - PS (VM-6457)</u> <u>Independent Observer for Interviews involving Minors - PS (DM-6506)</u> <u>Travel and Location-based Conditions - PS (HR-7257)</u> <u>Removal of unaccompanied non-citizen minors from Australia - PS (SM-5038)</u> <u>Status Resolution System Control Framework - PS (BC-763)</u> <u>Work Health and Safety Information Management Systems - PS (HR-2155)</u>
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Procedures / Supporting Materials

[Arrival, immigration clearance and entry - Immigration clearance at airports and seaports - PI \(BC-536\)](#)

[Australian Citizenship Status Assessments for activities being undertaken under the Migration Act 1958 - SOP \(VM-5328\)](#)

[Best Practice for Interacting with Children - PI \(BC-764\)](#)

[Criminal Justice Visas Guidelines - PI \(VM-1030\)](#)

[Detention Health: Health Discharge Assessments - PI \(DM-5261\)](#)

[Detention Health: Fitness to Travel Assessments - PI \(DM-5028\)](#)

[Detention Health: Privacy, Consent and Medical Records - PI \(DM-5925\)](#)

[Status Resolution - Detention Release Requirements - PI \(VM-6935\)](#)

[Detention Services Manual - Illegal foreign fishers - Illegal foreign fishers - PI \(DM-590\)](#)

[Detention Services Manual - Legal Services - Detainee access to legal representation and migration agents - PI \(DM-601\)](#)

[Detention Services Manual - Managing the administration of detention - Management of detainee property - SOP \(DM-3285\)](#)

[Detention Services Manual - Minors and guardianship - Guardianship \(Adults\) - PI \(DM-612\)](#)

[Detention Services Manual - Safety and security - Audio-visual recording - PI \(DM-614\)](#)

[Detention Services Manual - Safety and security management - Screening and searching of detainees and their property - SOP \(DM-3289\)](#)

[Detention Services Manual - Safety and security management - Use of force - PI \(DM-623\)](#)

[Detention Services Manual - Visitor management - Visitor management - SOP \(DM-3258\)](#)

[DSM - Safety and security management - Debriefing - SOP \(DM-4845\)](#)

[Employment Screening for Child-related Roles - PI \(DM-930\)](#)

[Exclusion periods - PI \(VM-990\)](#)

[FMG 1.09.01 - Debt Management - PI \(FM-1279\)](#)

[Home Affairs - Hot Issue Brief - SOP \(CG-5437\)](#)

[Detention Services Manual - Safety and security management - Incident management and reporting - PI \(DM-616\)](#)

[Independent Observer for Interviews involving children - PI \(DM-6505\)](#)

[Minors and Guardianship - Protection of families and minors - SOP \(DM-3268\)](#)

[Operational Safety - PI \(BE-6645\)](#)

[Operation of the IGOC Immigration \(Guardianship of Children\) Act \(IGOC Act\) in the Maritime Environment - SM \(BC-6726\)](#)

[Pre-removal Clearances and Informed Request for Removal Statements - PI \(VM-3226\)](#)

[Removal from Australia - PI \(BC-7202\)](#)

[Removal from Australia - Establishing Liability and Availability - SOP \(BC-7203\)](#)

[Removal from Australia - Guides - SM \(BC-7205\)](#)

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	Reporting child-related incidents - PI (DM-5858) Return and Reintegration Assistance Program - PI (BC-827) s5G - Relationships and family members - best interests of minor children - PI (VM-3057) Sch4/4004 - Debts to the Commonwealth - PI (FM-1237) Schedule 4 - Public Interest Criteria - SM (LS-1855) Search Warrant Operations under Section 251 of the Migration Act 1958 - SOP (BE-6742) Section 501: The character test, visa refusal and visa cancellation - PI (VM-1001) Status Resolution Governance and Assurance - PI (VM-6222) Status Resolution Officer - PI (VM-6363) Status Resolution System Control Framework - Mandatory Control Points - SM (BC-6186) Travel Documents - PI (BC-537)
Training/Certification or Accreditation	Status Resolution Essentials (COURSE ILT-ROL-SRHD-PI-SREBLK1 and COURSE ILT-PI-ROLE-DIS) Recommended training available from the learning catalogue in <i>Our People</i>
Other required job role requirements	Removals Job Role Profile (ADD2024/3632113)
Other support mechanisms (e.g. who can provide further assistance in relation to any aspects of this instruction)	Removals Operational Policy (Connected Services Portal) Removals Operational Policy – s. 22(1)(a)(ii) @abf.gov.au Removal Operations Program Management – s. 22(1)(a)(ii) @abf.gov.au Migration and Citizenship Law Section – s. 22(1)(a)(ii) @homeaffairs.gov.au
Escalation arrangements	Removals Operational Policy – s. 22(1)(a)(ii) @abf.gov.au Removal Operations Program Management – s. 22(1)(a)(ii) @abf.gov.au Migration and Citizenship Law Section – s. 22(1)(a)(ii) @homeaffairs.gov.au
Recordkeeping (e.g. system based facilities to record decisions)	Compliance, Case Management and Detention (CCMD) Portal Content Manager (TRIM) Integrated Client Service Environment (ICSE) Official Diaries and Notebooks - PI (BE-2978)
Program or Framework (i.e. overarching Policy Framework or Business Program)	Immigration Compliance and Status Resolution Framework - PS (SM-5122) Status Resolution System Control Framework - PS (BC-763) Status Resolution System Control Framework - Mandatory Control Points - SM (BC-6186)
Job Family Framework Role	Removals - Job Role Code 30000498

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Attachment C – Consultation

1. Internal consultation

The following internal stakeholders were consulted in the development of this Procedural Instruction:

- ABF Charters Team
- ABF College
- ABF International
- ABF Risk and Assurance Section
- ABF Work Health and Safety Section
- All staff consultation in accordance with Section 10 of the Enterprise Agreement 2024-2027
- Australian Border Operations Centre
- Character and Cancellation Policy Section
- Character and Cancellation Support Section
- Child Wellbeing Strategy and Capability Section
- Citizenship Helpdesk Team
- Complex and Controversial Cases Section
- Complex Identity Advice Section
- Corporate and Case Systems Branch
- Criminal Justice Program Team
- Detention Assurance Reporting Section
- Detention Contracts Section
- Detention Health Operations Section
- Detention Health Policy and Program Support Section
- Detention Management and Planning Section
- Detention Operational Policy Section
- Detention Support and Coordination Section
- Enforcement and Immigration Capability Management Section
- Enforcement and Immigration Operational Policy Section
- External Scrutiny Section
- Finance Division
- Freedom of Information Section
- Global Feedback Unit Team
- Human Trafficking Program Team
- Humanitarian Policy Section
- Immigration Compliance Policy and Intelligence Division

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- Immigration Integrity Operations Section
- Integrity Strategy and Policy Section
- International Obligations and Complex Cases Section
- Legal Group
- Maritime Border Command
- Media and Social Media Section
- Merits Review and Border Visas Policy Section
- Ministerial Correspondence, Submissions, Briefs and PDMS Section
- Ministerial Intervention Section
- National Lead for Removal Operations
- Onshore Health Contracts Section
- Operation Sovereign Borders, Joint Agency Task Force Section
- Operational Safety Capability Section
- Panels Grants and Corporate Contracts (Comcover) Section
- Privacy Section
- Protection Caseload Resolution Section
- Records Management Section
- Regional Processing and Resettlement Policy Section
- Removal Operations Branch
- Resettlement and Support Programs Section
- Status Resolution Helpdesk Team
- Status Resolution, Operational Coordination Section
- Status Resolution, Returns and Removals Policy Section
- Transport Security Screening Policy Section
- Traveller Operational Policy Team
- Unaccompanied Humanitarian Minors and Guardianship Section

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