

Media release – 13 November 2023

Statement on High Court decision on indefinite immigration detention

The Commonwealth Ombudsman, as the Commonwealth National Preventive Mechanism (NPM) overseeing the conditions of immigration detention in Australia, welcomes the High Court's decision last week in *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor.*

This decision is likely to have a significant impact on others in long-term immigration detention and the broader system of immigration detention in Australia.

"I have previously expressed concerns that there are people who face being held in immigration detention indefinitely, without any clear immigration or removal pathway. I have made many recommendations to the Department of Home Affairs and to relevant ministers to consider alternative arrangements for people facing prolonged or indefinite detention," said Iain Anderson, Commonwealth Ombudsman. "Regardless of whether someone has committed a crime in the past, for which they have served their sentence, immigration detention must not be punitive."

The Commonwealth NPM will continue to monitor places of immigration detention, pursuing systemic change under our mandate of preventing torture and ill treatment in detention.

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