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MEDIA RELEASE

Report on people detained and later released because they were not unlawful non-citizens, 1 July 2021 to 30 June 2022

Today the Commonwealth Ombudsman, Iain Anderson, published the first in a new series of reports on the Ombudsman’s ongoing investigation into people who were detained in immigration detention and later released on the basis they were not unlawful non-citizens.

Under the own motion investigation, the Commonwealth Ombudsman receives reports from the Department of Home Affairs about individuals detained on suspicion of being unlawful non-citizens who were subsequently found to be not unlawful and released. The Ombudsman commenced this investigation in 2007 following the high-profile cases of Cornelia Rau, an Australian citizen who was unlawfully detained for 10 months in 2004–2005, and Vivian Alvarez, an Australian citizen who was unlawfully removed from Australia in 2001.

Mr Anderson observed that this ongoing investigation into cases of inappropriate detention continues to provide an important opportunity to identify and address significant and systemic issues in detention.

“The cases identified in these reports demonstrate the importance of ongoing improvements to policies and procedures, training and quality assurance processes in preventing inappropriate detentions”, the Ombudsman said.

The Ombudsman’s report covers the period 1 July 2021 to 30 June 2022 and noted that the number of people inappropriately detained and the average length of time that a person is held in inappropriate detention has decreased since a peak in 2017. The department accepted 6 of the 7 recommendations made in the Report.

“I would like to thank the department for its cooperation with my Office in responding to this report and am pleased it has committed to addressing issues identified in the report to mitigate associated risks with inappropriate detention.”

“My Office will monitor the department’s implementation of the 6 accepted recommendations to ensure continued improvement of immigration detention processes, and transparency and accountability for those in immigration detention”, the Ombudsman said.

The Report and the department’s response can be found on the [Commonwealth Ombudsman website](#).