

From: [David GAVIN](#)
To: s. 47F(1)
Cc: [Stephanie FOSTER](#); [DLO.O"Neil](#); [DLO.Giles](#); [MO Registration](#); [Budhy TANDDO](#); s. 22(1)(a)(ii)
s. 22(1)(a)(ii); s. 22(1)(a)(ii); s. 22(1)(a)(ii); s. 22(1)(a)(ii); s. 22(1)(a)(ii); [Marian](#)
[AGBINYA](#); s. 22(1)(a)(ii); s. 22(1)(a); [Chad HODGENS](#); s. 22(1)(a)(ii); [Stephanie KOLOBARIC](#); [Michael](#)
[WILLARD](#); [Lara CAVANAGH](#); [Michael THOMAS](#); [Sandra JEFFERY](#); [Media Operations](#); [Michael BURKE](#)
Subject: NZYQ vs MICMA - Action Plan for potential release [SEC=OFFICIAL:Sensitive, ACCESS=Personal-Privacy]
Date: Friday, 3 November 2023 2:51:26 PM
Attachments: [Action plan - NZYQ - 3.11.23 1153AM.DOCX](#)
s. 47F(1) [plan on a page - updated 02NOV23.pdf](#)

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Dear s. 47F(1)

For your visibility, please find **attached** an operations Action Plan and A3 Placemat developed ahead of the NZYQ High Court hearings on Tuesday 7 and Wednesday 8 November, next week. Thank you to the ABF for drafting and coordinating these products.

s. 47C(1)

s. 47C(1)

Media Talking Points are being finalised ahead of Monday, and these will be circulated to your media advisers through the Department's media operations section, shortly.

Key Contacts with the department are listed within the plan for each line of effort.

I trust this information is of assistance and please let us know if anything further is required.

Regards
David

David Gavin
Acting First Assistant Secretary
Immigration Policy, Integrity and Assurance Division
Immigration Group
Department of Home Affairs
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NZYQ – Action Plan for potential release

Below are the steps, which are required pre, during and post hearing should the court order a release of Mr s. 47F(1) during the hearing of *NZYQ v Minister* - S28/2023, scheduled to be held 7-8 November 2023.

Pre Hearing

Legal

- Migration and Citizenship Litigation are managing this matter. The Legal team are s. 22(1)(a)(ii) s. 22(1)(a)(ii) and Marian Agbinya.
- As at 31 October, no request has been made for s. 47F(1) to attend court in person, and he is expected to be in immigration detention during the hearing (to be held 7/8 November).
NOTE: Should a request be made, action plan will need to be updated.
- s. 47E(d)
- s. 42(1), s. 47F(1)

Status Resolution

Ministerial Intervention

- Ministerial Intervention (MI) team are preparing a submission (MS23-002266) for the Minister to consider granting s. 47F(1) a BVR under regulation 2.25AA of the Regulations to regularise his status in the community, should the High Court order s. 47F(1) be released from detention as an unlawful non-citizen.
- The power under Regulation 2.25AA allows the Minister to grant a BVR to an eligible non-citizen who is an unlawful non-citizen where the Minister is satisfied removal of the individual is not reasonably practicable and that the individual will abide by all mandatory conditions imposed on the BVR.
- The submission is expected to be with the Minister's office on 3 November 2023 (pending Legal review and clearance) and will be discussed with the office on 6 November 2023 (by AS Status Resolution Branch).
- The Minister's office indicated on 9 October 2023 the preference would be for the Minister to consider the case on same day as the judgment being handed down and have advised the Minister can be available on this date. This will be raised with the office on 6 November 2023 (to confirm preferences and availability).
- A BVR allows a person access to social services including Medicare, and Special Benefit. Special benefit is available if the BVR holder is ineligible for any other income support payment and in financial hardship for reasons beyond their control, persons must also meet income and assets tests set by Services Australia.

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SRSS Support

- In line with current policy for long-term detainees being released on Bridging Visas, the client is eligible for Status Resolution Support Services (SRSS); for an initial 12 weeks, and potentially extension for a further 12 weeks.
- SRSS Program Section will immediately notify the SRSS provider of the HCA outcome
- SRSS provider, s. 47F(1) [redacted] has been briefed about potential service delivery requirements if client released including:
 - s. 47F(1) [redacted]
 - [redacted]
 - [redacted]
 - [redacted]
- [redacted] including income support (Centrelink) and health including Medicare if eligible
- s. 47F(1) [redacted]
- s. 47F(1) will work with the client if released to identify additional welfare needs and provide support in accordance with contractual requirements
- The SRSS provider will not connect the client with any rehabilitation services in the community unless they are court mandated and/or in place; provider can assist client upon release to meet law enforcement reporting requirements.

Additionally, to support release and SRSS processes, the s. 47F(1) Status Resolution Officer will undertake the following actions:

- Request ImmiCard (Pre HC outcome).
 - Card ordered but if not received in time for release, an ImmiCard report will be provided to assist with essential registrations in the community.
- Notify client and local stakeholders (ABF, Serco, IHMS) as per local processes
 - Seek consent to disclose relevant information to SRSS provider.
 - Complete SRSS associated forms (1448 & 1450) along with 929 (change of contact details/address).
- Email referral to SRSS Operations (national office) to facilitate SRSS service provider support
 - Contact s. 47F(1) to coordinate transport needs. (Refer to community support)
- Request IHMS Health Discharge Summary and provide to client upon release
- s. 47F(1) [redacted]
- s. 47F(1) [redacted]

Detention Operations

- s. 47E(d), s. 47F(1) [redacted]
- s. 47E(d) [redacted]

Communications

- **Outstanding action:** Media Talking Points (TPs) to be developed – Media to lead s. 22(1)(a)(ii) [redacted] and s. 22(1)(a)(ii) [redacted]. Business areas to provide points to media for inclusion – Legal will lead on the court hearing, legal issues and potential release wording. Date for completion: TPs to be completed by 3 November.
- **Outstanding action:** Talking points are also required for staff in Status Resolution and Detention Operations – aim should be to support the officers who release s. 47F(1) [redacted] (should that transpire) but who also manage the remaining detainees who may hear of his release and have questions

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about their own case. Staff TPs will be prepared based on the Media TP document.
Date for completion: week commencing 6 November.

Day of Hearing

Legal

- s. 47E(d) [redacted] Legal will notify stakeholders, particularly Ministerial Intervention (Status Resolution Branch), Detention Operations and Media as soon as possible, should the Court order s. 47F(1) [redacted] be released from immigration detention.

The following actions may occur concurrently, and are not presented in strict order:

Status Resolution

- s. 47C(1) [redacted]
- Status Resolution Support Programs Section and s. 47F(1) [redacted] Status Resolution Officer to enact post release support plan as agreed with SRSS service provider s. 47F(1) [redacted]

Detention Operations

- Status Resolution make the necessary arrangements s. 47E(d) [redacted] See above under SRSS Support.
- s. 47E(d) [redacted]

Post hearing

Status Resolution

- If the High Court makes orders requiring s. 47F(1) [redacted] to be released from detention, he will be released as an unlawful non-citizen.
- Refer to *Ministerial Intervention* section for post hearing planning arrangements with regard to potential visa grant consideration by the Minister (this section will be updated accordingly following engagement with the Minister's office on 6 November 2023).
- Continuation of SRSS program support will be based on client needs. Noting client is eligible for an initial 12 weeks support, which can be extended by another 12 weeks.

Legal

- Review judgement and determine next steps, in consultation with key stakeholders.

Clearance:

Sandra Jeffrey, A/g Deputy Commissioner, National Operations, Australian Border Force – 3/11/2023

Michael Thomas, First Assistant Secretary, Status Resolution and Visa Cancellation Division – 2/11/2023

David Gavin, A/g First Assistant Secretary, Immigration Policy Division – 3/11/2023

Key Contacts				
Branch	Position	Name	Email	Phone
Detention Operations	Commander Detention Operations	Budhy Tanddo	s. 22(1)(a)(ii) @abf.gov.au	s. 47F(1)
Detention Operations	s. 22(1)(a)(ii)	s. 47F(1) s. 47F(1)	s. 22(1)(a)(ii) @abf.gov.au	s. 47F(1)
Detention Operations		s. 47F(1) s. 47F(1)	s. 22(1)(a)(ii) @abf.gov.au	s. 47F(1)
National Removals		s. 47F(1)	s. 22(1)(a)(ii) @homeaffairs.gov.au	s. 47F(1)
Status Resolution (MI)		s. 22(1)(a)(ii)	s. 22(1)(a)(ii) @homeaffairs.gov.au	s. 47F(1)
Status Resolution (MI)		s. 22(1)(a)(ii)	s. 22(1)(a)(ii) @homeaffairs.gov.au	s. 47F(1)
Status Resolution (SRSS)		s. 22(1)(a)(ii)	s. 22(1)(a)(ii) @homeaffairs.gov.au	s. 47F(1)
Status Resolution (SRSS)		s. 22(1)(a)(ii)	s. 22(1)(a)(ii) @homeaffairs.gov.au	s. 47F(1)
Legal	Assistant Secretary	Marian Agbinya	s. 22(1)(a)(ii) @homeaffairs.gov.au	s. 47F(1)
Legal	s. 22(1)(a)(ii)	s. 22(1)(a)(ii)	s. 22(1)(a)(ii) @homeaffairs.gov.au	s. 47F(1)
Media		s. 22(1)(a)(ii)	s. 22(1)(a)(ii) @homeaffairs.gov.au	s. 47F(1)

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NO request has been made for s. 47F(1) to attend court

Contacts

Legal

AS Marian Agbinya (*Migration & Citizenship Litigation*)
s. 22(1)(a)(ii) (Litigation D)
s. 22(1)(a)(ii) (Litigation D)
s. 22(1)(a)(ii) (Litigation D)

Detention Operations

CMDR Budhy Tanddo (*Detention Operations*)
s. 22(1)(a)(ii) (*Detention Management and Planning*)
s. 22(1)(a)(ii) (*Detention Health Operations*)
Detention Security (*Detention Management and Planning*)

Status Resolution Support Service (SRSS)

s. 22(1)(a)(ii) (*Resettlement and Support*)
s. 22(1)(a)(ii) (*Status Resolution Support Programs*)
s. 22(1)(a)(ii) (*Status Resolution Support Contracts*)

Ministerial Intervention

A/g AS s. 22(1)(a)(ii) (*Status Resolution*)
s. 22(1)(a)(ii) (*Ministerial Intervention ACT*)

Media

s. 22(1)(a)(ii)
s. 22(1)(a)(ii)

s. 47F(1)

s. 22(1)(a)(ii) (*Detention Operations* s. 47F(1))

s. 22(1)(a)(ii) (*Detention Operations* s. 47F(1))

s. 22(1)(a)(ii) (*Status Resolution* s. 47F(1))

National Removals

C/SUPT s. 22(1)(a)(ii) (*National Removals*)

s. 47C(1)

Logistics Setup

s. 47E(d)

Talking Points (TPs) for Stat Res and Det Ops staff to be provided to Media by 20OCT2023.

C/SUPT Stubbs

Stat Res & Det Ops

Media Talking Points (TPs) to be completed by w/c 30OCT2023

HA Media

Pre-Hearing

s. 47F(1)

Pre-Hearing Notification

Check with relevant stakeholders and law enforcement if there are any special conditions needed in the community or upon release.

s. 47E(d)

s. 47E(d)

SRSS Support Procedures

s. 47F(1) SRSS service provider s. 47F(1) briefed about potential service delivery requirements. s. 47F(1) SRO initiates on the day.

Accommodation s. 47F(1)

Transport provided s. 47F(1)

SRSS require advice from Detention Health, Detention Operations or Legal if there are legal constraints due to:

- character/behavioural
- parole conditions and reporting requirements

in order to source a suitable community placement/property.

Financial assistance (Centrelink)

Ongoing case worker (Welfare)

Health support (Medicare)

12 weeks support MIN

24 weeks support MAX

Trial Day

s. 47C(1)

Some steps may occur concurrently upon notification

Court orders release

Legal to notify Department and ABF of court decision s. 47E(d)

Ministerial Intervention to engage with Minister's Office on submission

s. 47E(d)

SRSS to begin release processes

MI notify Legal, Detention Operations Media on Minister decision

s. 47C(1)