

**Department response to the Ombudsman's draft Report into Referred Immigration Cases:
Notification Issues**

The Department recognises the importance of validly and effectively notifying clients of visa cancellations and refusals, and establishing that clients have been properly notified when compliance action, or a decision to detain, is being considered. The following provides some examples, amongst others, of the measures the Department is implementing to ensure these outcomes:

- The department is currently developing governance arrangements, namely a Client Correspondence Framework. It will prepare standards and checklists in relation to maintenance, management, quality assurance and accountability for client correspondence, providing a framework to assist the business owners of correspondence.
- The forms used by compliance officers when interviewing people of interest, and at the Post-Location Detention Interview, prompt officers to consider notification issues. Checking the validity of notification also forms part of the ongoing reviews of detention decisions conducted by Detention Review Managers.
- The Department is aware that clients can be disadvantaged if there is not a clear understanding of notification requirements in relation to deregistered migration agents and authorised recipients. Accordingly, the instruction dealing with migration agents and unregistered persons is being simplified to make clear that notifications must be sent to the client's agent while the agent remains the authorised recipient, even if the agent is de-registered.
- The Department also recognises that there may sometimes be unavoidable reasons why a person has not actually received a legally valid notification. The Department is currently reviewing the administrative and legislative bases for notification. The question of compassionate re-notification is being considered as part of the review.
- A client of interest note has been placed on the computer records of clients who may be affected by the *Srey* decision. This alerts officers to the need to conduct a thorough check of the client's record if necessary to confirm their immigration status. The alert specifically advises staff not to detain unless completely satisfied that the person is not *Srey*-affected. DIAC staff assess possible *Srey*-affected cases as they present to the Department in any location, including offshore and in immigration clearance. This is now assisted by a network of *Srey* Processing and Contact Officers in State and Territory Offices, who act as the primary local contact for *Srey* assessments and issues.
- A new policy and procedural instruction has been issued covering the broader impact of the *Srey* decision and providing all staff with instructions on how to identify *Srey*-affected clients (onshore and offshore), the status of bridging visas, outstanding review rights, how to re-notify *Srey*-affected clients and address subsequent issues that may impact on their immigration status. This instruction also covers the referral of cases by DIAC to the Migration Review Tribunal where there is an unresolved application before that Tribunal.
- College of Immigration training for compliance and detention staff covers the requirements for correct notification (including the impact of recent court decisions) and emphasises the importance of thoroughly checking records and accessing all available sources of information in the context of forming and maintaining a reasonable suspicion. The Department's *Good Decision Making* course, which covers the legislative requirements relating to notification of decisions and the implications of defective notification, is being reviewed with the aim to make the relevant parts of the programme more widely available as an 'on-line' package to staff processing visa applications in State, Territory and overseas offices.
- The Department analyses court decisions and provides fortnightly reports to the executive and relevant business areas, including analysis and recommendations for remedial action.