

A warning sign: Australian government unlawfully held citizen for 945 days in immigration detention

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There has been a sharp rise—more than double—in the number of people wrongly imprisoned in Australia’s immigration detention centres under the Albanese Labor government.

In the most serious case reported so far, an Australian citizen, identified only as Mx B, was unlawfully detained for 945 days—two and a half years—despite multiple objections by Mx B and their lawyers.

This was supposedly due to incorrect interpretations by officials of Australia’s citizenship laws, according to the latest federal Ombudsman’s annual report on immigration detention, covering 2024–25.

Altogether, 30 people were wrongfully detained out of a total of 4,247 people who were placed into immigration detention that financial year. That was a 126 percent increase compared to the previous year, on top of an 82 percent increase in the year before that—2022–23, the first year of the Albanese government.

These figures may well be an understatement, judging on past Ombudsman’s reports. They are another warning of the conditions being created by the anti-immigrant bidding war underway between the three main capitalist parties—Labor, the Liberal-National Coalition and the far-right One Nation.

Each is vowing to round up, detain and deport tens of thousands of people on temporary visas. Last week, Coalition leader Angus Taylor outlined an offensive that would involve forcibly removing an estimated 77,000 people who are allegedly living in Australia without valid visas—matching a similar declaration by Home Affairs Minister Tony Burke.

This will mean more police and Australian Border Force (ABF) raids on homes, workplaces, schools and colleges. These operations are no different from those being conducted across the United States by the fascistic Trump administration’s Immigration and Customs Enforcement (ICE) raids, incarcerations and deportations.

The Ombudsman’s report shows that the Albanese government is already spearheading such an assault.

This offensive can threaten citizens, as well as visa holders. Mx B was born in Australia in 1989 to New Zealand parents, briefly left, then returned in 1992, and should have been

granted automatic citizenship on their 10th birthday in accordance with the Citizenship Act. But this did not occur due to “poor record keeping.”

After growing up in Australia, Mx B was convicted of criminal offences and sentenced to prison in 2010 at the age of 21. In 2018, while in jail, the Home Affairs department conducted a citizenship status assessment and incorrectly found Mx B was not an Australian citizen, due to their brief departure from the country as a baby.

Upon Mx B’s release from jail in 2022, the department placed them into immigration detention, even though “Mx B claimed to be an Australian citizen on multiple occasions throughout their detention,” the Ombudsman’s report stated.

In 2024, Mx B’s legal representative sent the department correspondence regarding Mx B’s citizenship. For a third time, the department determined Mx B was not a citizen, “failing to take into account the new information indicated by Mx B’s legal representative.”

This was not an isolated case. The report said Mx B was the sixth and longest detention of a citizen “wrongfully detained by the department and later released as not unlawful (in addition to the many non-citizens who have been wrongly detained)” since 2016.

This may be the tip of an iceberg. Another person, a non-citizen visa holder, named as Mx A, was wrongfully detained for 304 days, attributed to a decision maker’s “incorrect understanding of the law.”

While in prison after a criminal conviction, Mx A had applied for the revocation of their visa to be overturned. That application was not allocated to a case officer until 246 days after they were released from prison and detained.

In the 2024–25 financial year, the average timeframe for a revocation request to be finalised was between 183 to 365 days, with 157 of 918 cases (17.1 percent) taking longer than 730 days to be reviewed.

Of the 30 cases of wrongful detention identified by the Ombudsman in 2024–25, 10 involved “planned detention operations.” That refers to coordinated activity conducted by the Home Affairs department, including the para-military ABF,

to locate and detain individuals alleged unlawful non-citizens.

“As these operations are planned in advance, detaining officers have greater opportunity to assess the person’s circumstances and resolve the issues regarding their identity and immigration status prior to them being detained,” the report noted. Nevertheless, the raids and detentions went ahead.

The report said a culture of “act first, check later”—previously noted in a 2007 report—was still present among detaining officers.

The Ombudsman said 2024–25 saw “the largest number of wrongful detention cases attributable to communication failures since 2005.”

That year, 2005, was marked by public outrage over two revelations, after lengthy Howard Liberal-National government coverups. The first was that an Australian permanent resident, Cornelia Rau, had been unlawfully detained and denied medical treatment for 10 months.

The second was that an Australian citizen, Vivian Alvarez Solon, had been unlawfully detained and deported. A mother of two, she had lived in Australia for 20 years before she had been removed to the Philippines in July 2001.

A high-level cover-up was so systematic that Alvarez Solon’s four-year ordeal only came to light after a popular outcry over Rau’s mistreatment.

The latest Ombudsman’s report again, as in previous reports, sets out a litany of supposed departmental errors, incorrect assumptions and failed checks spanning four decades since the Keating Labor government imposed mandatory detention of asylum seekers and other alleged non-visa holders in 1992.

Under that regime, section 189 of the Migration Act requires officials to detain and, if possible, remove from the country anyone they “reasonably suspect” of being an “unlawful non-citizen.” This establishes executive detention without trial, overturning basic legal and democratic rights, all based on suspicion.

In November 2023, the High Court’s NZYQ ruling partially overturned two decades of court judgments that permitted indefinite detention. The NZYQ ruling said indefinite detention where there was no reasonable prospect of deportation was unconstitutional, amounting to unlawful punishment without any judicial process.

That triggered the release of more than 300 people from immigration detention. Mx B was not one of them, remaining in detention until April 2025, when the New Zealand government told the Home Affairs department that Mx B was not a New Zealand citizen. A fourth citizenship assessment then ruled that Mx B was an Australian citizen.

The parallels to the ICE raids in the US do not end there. Australia’s onshore immigration detention centres are operated by Secure Journeys, a subsidiary of the US private prison and ICE contractor Management and Training Corporation (MTC), under a \$2.3 billion contract awarded by the Albanese government in late 2024.

The network includes seven main Immigration Detention Centres (IDCs) and various Alternative Places of Detention (APODs) across locations such as Sydney (Villawood), Melbourne, Perth, Darwin, Brisbane and the Christmas and Cocos Islands in the Indian Ocean.

A new spate of fire-related incidents, stabbings and drug overdoses has been recently reported, reflecting the oppressive conditions inside the facilities.

None of this will improve because of the Ombudsman’s report. It made three recommendations, similar to those in earlier reports, suggesting better procedures. No response has been reported from the government.

Both the government and the Coalition are seeking to outdo Senator Pauline Hanson’s anti-immigrant One Nation in blaming immigrant workers, international students and refugees for the cost-of-living and housing affordability crisis, fuelled by the Labor government-backed criminal US war on Iran, that is devastating working-class households.

They are trying to divert the growing social discontent—partly expressed in strikes by teachers, health care workers and university staff—into anti-foreigner and nationalist directions, despite widespread disgust over the ICE killings and raids in the US.

This is a diversion from the underlying roots of the declining living standards, which lie in the capitalist profit system itself, enforced by the Labor government, and Labor’s funnelling of billions of dollars into military spending to underscore its commitment to US-led imperialist wars.

From the US to Europe, governments of all political stripes are pursuing anti-immigrant witch hunting, seeking to divide the working class along national and ethnic lines under conditions of an unfolding world war in the Middle East, Europe and against China.

Workers and young people must defend the basic democratic right of people to live and work anywhere, with full social and citizenship rights. This is an integral part of the fight for a unified global movement of the working class against the spiral into war and to reorganise society on a socialist basis, for human and social need, not for corporate profit and the war machines.



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