

# MIGRATION POLICING PROJECT

## The role of operational police in immigration enforcement

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BORDER CROSSING  
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Although the Compliance branch of the Department of Immigration and Citizenship has ultimate responsibility for the detection of individuals defined as 'unlawful non citizens', state and federal police are also 'designated officers' under the *Migration Act* 1958. In practice they are involved primarily in checking the immigration status of individuals they suspect to be non-citizens under section 188 of the *Migration Act*, detaining individuals they believe to be unlawful non-citizens under section 189 of the *Migration Act*; supporting DIAC officers who are executing *Migration Act* warrants to search premises and detain suspected unlawful non citizens; and, when off duty, acting as escorts for involuntary deportations. In 2008-09, 371 operational New South Wales police officers from three urban and two rural police stations completed a questionnaire about their involvement in immigration enforcement. The sample profile is shown below. It cannot be assumed to be statistically representative of the NSW Police as a whole, but does reflect a reasonable spread of experience across general duties, investigative and traffic control functions.

**Table 1: Profile of survey sample by rank, role and years of service**  
(percentages shown exclude missing cases)

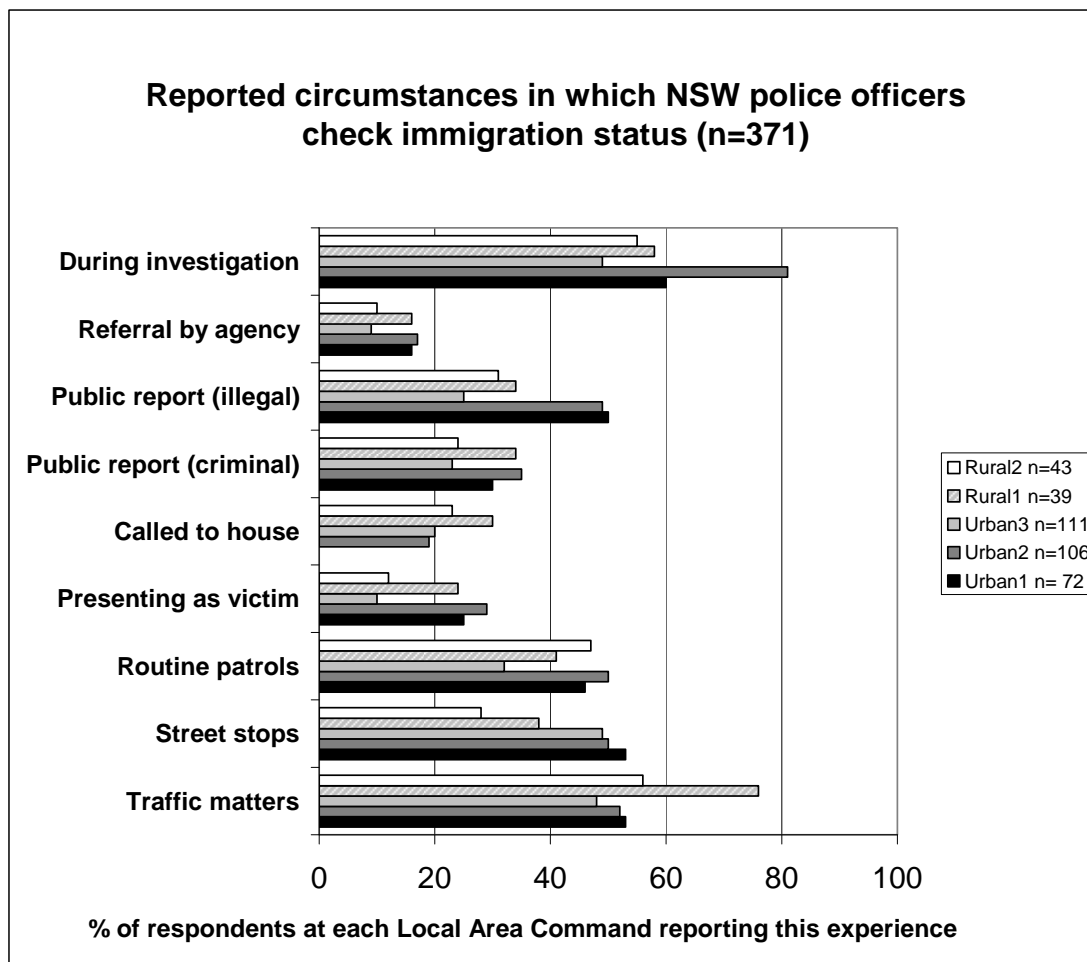
RANK	Prob'ary Constable	Constable	Senior Constable	Sergeant	Senior Sergeant	Inspector	Missing	Total
	41 (11%)	115 (32%)	135 (38%)	57 (16%)	4 (1%)	8 (2%)	11	371
ROLE		General Duties	Highway Patrol	Intelligence / Pro-active	Detectives	Other	Missing	Total
		203 (62%)	25 (8%)	16 (5%)	44 (13%)	39 (12%)	44	371
YRS AT STATION		<1 yr	1<2 yrs	2<5 yrs	5<10 yrs	10+ yrs	Missing	Total
		31 (9%)	80 (23%)	135 (39%)	79 (23%)	24 (7%)	22	371
YRS IN POLICE		<1 yr	1<2 yrs	2<5 yrs	5<10 yrs	10+ yrs	Missing	Total
		16 (5%)	36 (10%)	79 (23%)	111 (32%)	108 (31%)	21	371

Police officers with more than 20 years service were the most likely to say that they were spending *more time* on immigration-related matters than earlier in their career. Officers with 5-10 years service were the most likely group to perceive a *decrease* in emphasis on immigration enforcement, but overall the majority thought the time being spent was about the same. Almost all the officers completing the survey said the police role in immigration enforcement was 'very important' or 'somewhat important'.

**Table 2: Is time spent on immigration enforcement increasing, decreasing or staying the same?**

Years as police officer	Increasing	Decreasing	Same
Less than 5 years	12.5%	8.6%	78.9%
5.5 to 10 years	16.5%	32.0%	51.5%
10.5 to 15 years	25.0%	25.0%	50.0%
15.5. to 20 years	28.6%	25.7%	45.7%
More than 20 years	54.2%	12.5%	33.3%

Since 2007 police officers have had 24 hour access to information on the immigration status of non-citizens via the Immigration Status System. For most of the NSW officers completing the survey, checking immigration status was a relatively infrequent activity that arose either following a street stop conducted for some other purpose, or in the course of a criminal investigation to ascertain the legal status or verify the identity of either a suspect or complainant. Amongst general duties officers, 78% reported having conducted an immigration check at least once in the previous 12 months. The corresponding figures for highway patrol officers and detectives were 87% and 84% respectively. The most commonly reported frequency was once or twice a year, with a minority of officers reporting up to 20 or more. The figure below shows the variety of circumstances in which operational police reported conducting checks of immigration status.



The most commonly reported reason for conducting an immigration status check was to confirm identity (36% of responses), followed by possession of foreign documents (21%), inability to speak English (19%), non-Australian accent (6%), foreign name (6%) and ethnic appearance (5%). Statistics supplied by DIAC after the first 20 months of operation of the Immigration Status System indicated that 14% of the immigration checks conducted by police across Australia related to an individual with unlawful status. The vast majority were found to be lawfully present, 69% with valid visas and 17% Australian citizens.

Prepared for the Border Crossing Observatory by Leanne Weber, August 2011  
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