

Know your rights in the West

Talking to Australian Border Force

You might see Australian Border Force (**ABF**) around the western suburbs. Know your rights when talking to ABF!

ABF works to enforce migration laws. They are not police and they do not have police powers.

When speaking with ABF, you can ask for an interpreter at any time. It is important you understand what is being said, and get advice from a lawyer as soon as you can.

If you are stopped in the street

ABF **does not** have the right to stop you for no reason.

ABF can only stop someone if they have a reasonable suspicion that the person does not have a visa.¹ Racial or cultural background is not a good enough reason.

If they think you do not have a visa, ABF can ask for your name and proof of your visa or citizenship. You do not have to answer, but if you refuse there is a risk you could be taken to immigration detention.

You can ask to provide evidence a later time – you may not have your identification, passport or visa with you right away.

You do not have to answer any other questions from ABF that is not a request for evidence about your identity or your visa status. You can walk away.

If ABF comes to your work

If ABF comes to your workplace, usually they are looking for people who don't have permission to work on their visa. Sometimes ABF might come together with police if they are investigating a criminal offence.

Usually, ABF needs a warrant to enter your workplace. They might have a warrant and not tell you about it.

If they don't have a warrant, ABF can enter your workplace if someone agrees to let them in.² An ABF officer must show their identity card when asking for permission to come in.

You are allowed to say no if ABF asks permission to enter your workplace.

ABF officers are allowed to use force to enter and search a workplace (for example by breaking a door).³ But they are not allowed to use force against people, unless they are taking someone to immigration detention.

If you detained by ABF

If ABF believes you are not an Australian citizen and do not have any visa, or believe your visa may be cancelled, they may take you to immigration detention.⁴

Call a lawyer straight away. ABF must let you contact a lawyer.⁵

¹ *Migration Act 1958* (Cth) (**Migration Act**), s 188.

² *Migration Act*, s 487D.

³ *Migration Act*, s 251(8).

⁴ *Migration Act*, s 189.

⁵ *Migration Act*, s 256.

If you get letters or emails

If you get a letter or email from ABF or the Department of Home Affairs, it is always a good idea to get legal advice as soon as you can.

Where to get free legal advice

WestJustice

(03) 9749 7720

www.westjustice.org.au

Asylum Seeker Resource Centre

(03) 9274 9889 – Monday, Tuesday, Thursday
and Friday between 10am – 12.30pm

If you are in detention: legal@asrc.org.au

asrc.org.au/get-help/legal-help