

CASE SUMMARY

Complaint against the Immigration Department for mistakenly requesting the Correctional Services Department to bring the complainant to the immigration office for interview

The Complaint

The complainant was an immigration detainee who was kept under the custody of the Correctional Services Department(CSD). On 15 January 1998, he was taken to the immigration office for interview by CSD staff. After waiting there for more than two hours, he was told that he was not supposedly to be called for interview on that day. He also later came to know that the prison was visited by the Visiting Justices of Peace(VJs) when he was away. Complainant originally alleged that it was a deliberate act of the CSD to prevent him from meeting the VJs. However, the CSD claimed that it was the Immigration Department (Imm D) who sent for the complainant to the immigration office on that day.

Findings and Conclusion

2. Upon investigation, the Imm D admitted that there was a human error in the interview arrangements that had resulted in the complaint. The complainant first requested to meet with Imm D staff and he was duly interviewed by immigration staff on 14 January 1998. Inadvertently, his detainee number was wrongly included in a interviewee list forwarded to the CSD for release of detainees for interview appointments on the following day. As a result, no immigration officers came up to interview the complainant at the scheduled time and the complainant was left to wait for hours. The Ombudsman found this complaint substantiated.

3. This Office considers that there was no apparent reason for the Imm D' s staff to prevent the complainant from meeting the VJs. The schedule of VJ visit is prepared by the Government Secretariat and it was unlikely for the Imm D to have prior knowledge of the VJ visit.

4. However, the investigation reveals systemic flaws and procedural deficiencies in the Imm D's interview arrangements for detainees in that there were no procedural guidelines and control on the use of the request memo. Further, the immigration officer requesting to interview the detainee could not be identified in the memo. This Office is nevertheless pleased to note that, arising from the case, the Imm D had promptly undertaken a review of the practice which is found to be in want of systemic improvement. As a result, the Imm D had instituted improvement and remedial measures to prevent similar mistakes from recurring. The request memo for release of detainees has now been re-designed so that subject officers requesting detainees for interviews are easily identified. An immigration officer is designated to oversee the interview arrangements so that interviewees are timely attended to by the interviewing officers. The Imm D also expressed their readiness to apologize to both the complainant and the CSD.

5. This Office considers that both the complainant and the CSD deserve apologies from the Imm D. The mistake made by the Imm D has caused injustice to the complainant for having to wait and not being attended to for hours. The complainant had also lost an opportunity to meet the VJs. The CSD was also wrongly accused by the complainant. To clarify its position, this Office notes that the CSD had spent time and efforts to deal with the complaint which, in fact, could have been avoided in the first place.

Recommendations

6. The Ombudsman recommended that the Director of Immigration should -
- (a) send a letter of apology to the complainant for the mistake and inconvenience made; and
 - (b) extend a written apology to the Commissioner of Correctional Services for the trouble caused by the mistake and the resultant accusation wrongly levelled at his staff by the complainant.

Response from the Department

7. The Director of Immigration is agreeable to apologize to both the complainant and the CSD. Arrangements are being made to send out written apologies as recommended.

Final Remarks

8. The Ombudsman is pleased to note that the Imm D has adopted a very positive attitude in acknowledging the mistake and in immediately taking remedial steps to improve its operation to prevent recurrence of similar complaints.

Office of The Ombudsman

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