



Australian Government

Department of Immigration and Border Protection

Reference: 1408/01075

Dr Madeleine M Laming and Dr Caroline Jones
Australian Federation of Graduate Woman Inc.
10/27 Collingwood Street
DRUMMOYNE NSW 2047

Dear Dr Laming and Dr Jones

Children in immigration detention

Thank you for your letter 28 July 2014 to the Hon Scott Morrison MP, Minister for Immigration and Border Protection concerning children in detention. The Minister appreciates the time you have taken to bring these matters to his attention and has asked that I reply on his behalf.

As a party to the *1951 Convention Relating to the Status of Refugees* and its *1967 Protocol* (the Refugees Convention), Australia takes its international obligations seriously. Australia is committed to treating asylum seekers fairly and humanely, and providing protection to refugees consistent with the obligations set out in the Refugees Convention, and other relevant international treaties to which Australia is a party.

However, Australians also have a legitimate expectation that those seeking access to this country will do so through the appropriate processing channels. Under Operation Sovereign Borders, all illegal maritime arrivals entering Australian waters by boat without a visa will be liable for offshore processing and resettlement in Nauru or Papua New Guinea. This is one of the Australian Government's suite of measures intended to deter people smugglers by denying them a product to sell to often vulnerable people.

Nauru and Papua New Guinea are also both parties to the Refugees Convention. The Memoranda of Understanding they have signed with Australia regarding the offshore processing arrangements reaffirm their commitment to the Refugees Convention and to treating people transferred with dignity and respect in accordance with human rights standards.

All children, families, pregnant women, single adult males and unaccompanied minors (UAMs) who arrived after 19 July 2013 will be transferred to the Nauru Offshore Processing Centre (OPC). Children are only accommodated at the Nauru OPC, only single adult males are accommodated at the Manus OPC.

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All transferees are treated respectfully and humanely by the Department of Immigration and Border Protection and service provider staff. The department has contracted service providers with the expertise to deliver a range of services to transferees, including health, catering and cleaning services, programmes and activities, and education to ensure the well-being of transferees.

Transferees who are minors are provided with access to education with curricula appropriate to their age and abilities. Save the Children Australia provides programmes and activities and educational activities specifically for children in family groups and for unaccompanied minors (if required). These activities include an on-site school for all children providing individually assessed learning plans for each child with Australian registered and trained teachers. The Australian Government shares the concerns of many Australians that detainees held in immigration detention are treated with dignity and respect. The government is especially committed to providing appropriate conditions for vulnerable groups such as children and families.

The educational programme is delivered in line with Australian educational standards with a minimum of a six hour programme daily. The curriculum includes: literacy, numeracy, social studies and environment, arts / crafts, health and information technology.

Minors are provided comprehensive after-school and weekend activity programmes including a range of cultural and art activities, games, formal and informal sports activities, movie nights and excursions outside of the centre. A youth committee is conducted each week by the recreation team where children have the opportunity to provide feedback and suggestions on the recreational programme.

The department's contracted Health Services Provider provides all people in immigration detention, with access to a range of health care services to a standard broadly commensurate with health care available to the Australian community through the public health system. Health care services, including mental health care, are provided onsite by general practitioners, nurses, counsellors, psychologists and a range of visiting specialists, including psychiatrists.

Where children arrived before the commencement of the regional resettlement arrangements on 19 July 2013, in a large majority of cases they already live in community detention with their families, or where unaccompanied on arrival, with specialised carers in group house arrangements. Some families with older children have already been released on BVEs.

As you will know, on 19 August 2014, the Minister announced new measures that will enable children aged 10 and under to live in the community on BVEs, providing greater protection and support for young people and their families. A copy of the media release is attached for your information. It includes details on the additional arrangements will ensure that families with children will be able to access appropriate support. This policy change will significantly speed up the release of children from detention. With the success of stopping the boats, there are now many less children in detention and those remaining will be moved out quickly under these new arrangements.

The government has committed funding of \$2.6m over 2014-15 for the provision of education services for children in immigration detention on Christmas Island. The Catholic Education Office of Western Australia has been contracted to establish a learning centre at the Phosphate Hill Alternative Place of Detention (APOD) and to provide full time education for all school aged children based on the Western Australian curriculum. Classes at the learning centre began in July 2014 for Term 3.

The learning centre also caters for three and four year olds providing a developmentally based early learning programme for these younger children, as well as preparation for attending school.

Also in March 2013 the role of the National Children's Commissioner was established within the Australian Human Rights Commission (AHRC) and the first Commissioner, Ms Megan Mitchell, commenced in this role. The role of the National Children's Commissioner is to focus on promoting the rights, wellbeing and development of children and young people in Australia.

The Commissioner has a broad advocacy role to promote public awareness of issues affecting children, conduct research and education programmes, consult directly with children and representative organisations as well as monitor Commonwealth legislation, policies and programmes that relate to children's rights, wellbeing and development.

The department engages with the Commissioner and her office regularly in relation to children's issues.

On 3 February 2014, the President of the Commission, Professor Gillian Triggs, launched an inquiry into children in closed immigration detention. The inquiry will investigate what has changed in the ten years since the Commission released their report '*A last resort? The report of the National Inquiry into Children in Immigration Detention*' in 2004. The department will respond to the AHRC's findings and recommendations once the report is completed.

Thank you for bringing the Australian Federation of Graduate Women's concerns to my attention. I trust the information provided is helpful.

Yours sincerely



Paul McCormack
Acting Assistant Secretary
Community Programmes Services Branch

5/19/2014



The Hon. Scott Morrison MP
Minister for Immigration and Border Protection

MEDIA STATEMENT

Tuesday 19 August 2014

GETTING CHILDREN SAFELY OUT OF DETENTION

The Government has today announced new measures that will enable more children to be released onto bridging visas from detention and save taxpayers more than \$50 million.

The Government has finalised new bridging visa arrangements that provide greater protection and support for young children, aged under ten, and their families that will enable them to now be released from detention into the community on bridging visas, if they arrived prior to July 19 last year.

This initiative builds on the success the Government has already had on reducing the number of children in detention.

Stopping the boats is not only saving lives but it is keeping and getting children out of detention.

You can't reduce the number of children in detention when every child you release into the community is replaced by another coming in on the next boat, as occurred under Labor.

There are now 516 less children in held detention today than there was at the last election.

When Labor left office there were 1,392 children in held detention, there are now 876, including on Nauru, a 38% reduction under the Coalition's border protection policies. At the same time the proportion of children living in the community awaiting processing has increased from 70% at the time of the election, to more than 80% today.

On Christmas Island the results have been more significant with the number of children in detention declining from 425 to 148 as at the end of July.

When the Howard Government left office there were no children in detention who had arrived illegally by boat. More than 8,000 children turned up on boats during Labor's years of failed border policies and the number of children in held detention peaked at almost 2,000 in July last year.

A year later, there is less than half that number in held detention.

Our success in getting children out of detention is why we have been able to announce the closure of family detention facilities in Darwin, South Australia and on Christmas Island.

It has always been the Abbott Government's policy to place as many children into the community as possible especially young children.

To date, the only way this could be safely done for children under 10 is by placement in community residential facilities as part of the community detention programme.

There were 1,547 children in residential accommodation as part of the community detention programme at the end of July.

Releasing these young children and their families and those still in held detention on bridging visas has not been an option as Labor's arrangements for bridging visas were insufficient to protect and support young children.

This lack of support arrangements would put young children at risk if released into the community on these visas.

As a result, for some months the government has been working on improved support arrangements for families and young children to enable their supported release into the community on bridging visas.

I have now approved these new support arrangements for families with children on bridging visas that address these weaknesses. The arrangements extend the care and support that is provided in community based residential detention to those released on bridging visas.

These arrangements are estimated to deliver a saving to taxpayers of more than \$50 million over the forward estimates by no longer having to meet the higher costs of held and community detention.

The increased support provided under the new arrangements includes:

- sourcing and assisting families to stay in suitable transitional accommodation
- more intensive needs based case worker support so we can stay in touch with the families and be better informed of their welfare
- supporting the children to go to school
- provision of emergency relief support payments where needed
- access to complex health support for especially vulnerable families
- access to orientation programmes that help families adjust to life in the community and understand our laws and behaviour expectations, and
- access to English language courses.

This support will enable families with children to be more self-sustaining and resilient in the community while they await the completion of their processing.

These changes represent good policy, common sense and a compassionate response to dealing with this significant problem left to us by the previous government.

The government's full suite of strong border protection policies to stop illegal boats remains in place. People who arrived in Australia illegally by boat after 19 July 2013 are subject to offshore processing. It is the government's policy to intercept and return boats seeking to illegally enter Australia.

Further information: Julian Leembruggen 0400 813 253, Kerri Griffiths 0417 617 482