

Appendix D: Overview of immigration detention population

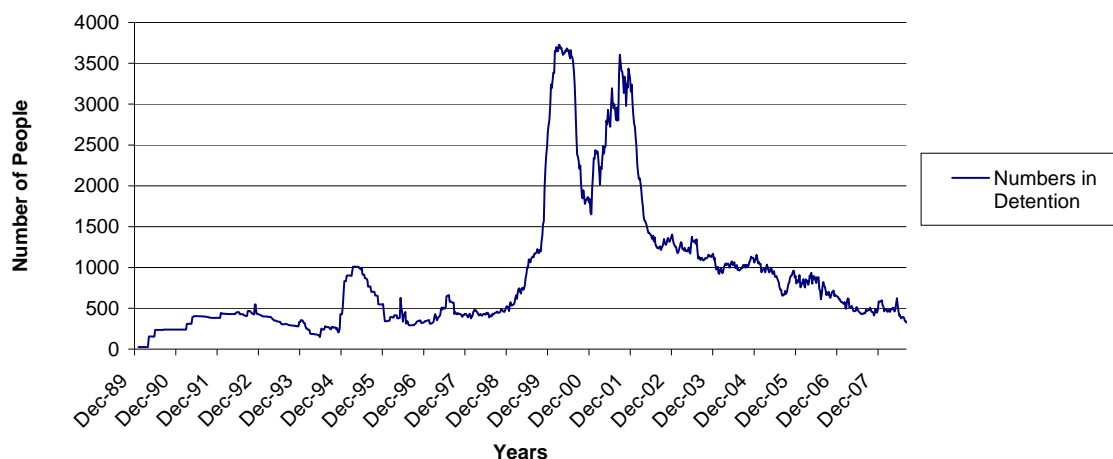
- 1.1 This appendix provides a context to the body of the report by outlining the major characteristics of the immigration detention population and trends in recent years. It acknowledges that the current detention population is different in size and composition to that of 2000-01, when the immigration detention system was put under intense pressure by large numbers of unauthorised boat arrivals. In summary, the trends outlined are of:
- a change in the composition of the detention population, from a population with a majority of unauthorised boat arrivals to one dominated by visa overstayers and visa cancellation cases,
 - a general decrease in the length of immigration detention, and
 - a general decrease, or stabilisation, in the absolute numbers of people in immigration detention in Australia.

Numbers of people in immigration detention

- 1.2 Figure C.1 illustrates the rise and fall of numbers of people in immigration detention since 1989, when the *Migration Legislation Amendment Act 1989* was passed.
- 1.3 The number of people in immigration detention in Australia was at its highest between 2000 and 2002, but dropped dramatically in 2003, and had halved again by 2007. In late 2008, the Minister for Immigration and Citizenship said that the number of people in

immigration detention was at its lowest level since 1994.¹ As at 1 May 2009, there were 618 people in immigration detention.²

Figure D.1 Trends in immigration detention in Australia from 1989 to 2007



Source: Department of Immigration and Citizenship, submission 129d, p 2.

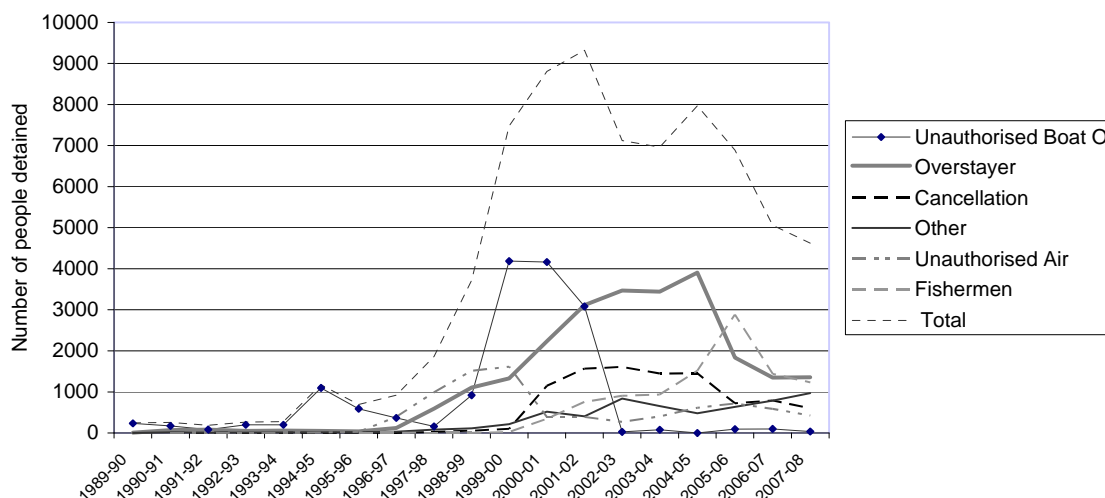
Immigration detention population by mode of arrival

- 1.4 Two groups of people are liable to be taken into immigration detention in Australia: those who arrive unlawfully without a valid visa; and those who enter Australia on a valid visa and then become unlawful, either because their visa expires or they breach the conditions of that visa, resulting in a cancellation.
- 1.5 Figure C.2 maps the broad trends in the detention population by arrival type since 1989-90. Of particular note are:
- peaks in unauthorised boat arrivals in 1994-95 and 2001-02
 - a peak in illegal foreign fishers in 2006, and
 - a steady increase in the number of visa overstayers in detention, peaking in 2005 and now declining.

1 Senator the Hon C Evans, Minister for Immigration and Citizenship, 'Progress made in long-term immigration detention cases, media release, 24 September 2008.

2 Department of Immigration and Citizenship, *Immigration detention statistics summary as at 1 May 2009*, viewed on 14 May 2009 at http://www.immi.gov.au/managing-australias-borders/detention/_pdf/immigration-detention-statistics-20090501.pdf

Figure D.2 Trends in immigration detention by arrival type and/or reason for detention

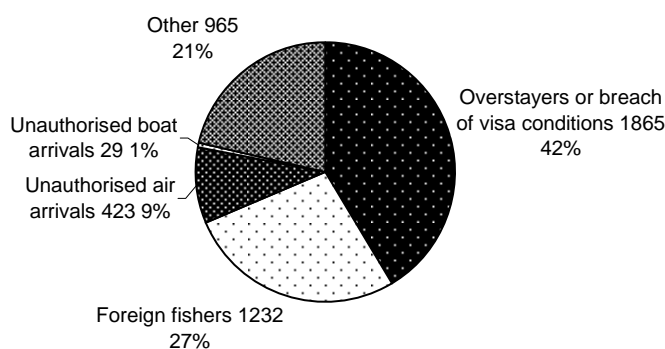


Source: Department of Immigration and Citizenship, supplementary submission 129d, p 2.

1.6 It is acknowledged that unauthorised arrivals to Australia will likely continue to fluctuate in response to external factors, such as natural disaster and conflict, and the activities of people smugglers.³

1.7 Figure C.3 illustrates the breakdown, by mode of arrival, of the 4514 people taken into immigration detention during 2007-08.

Figure D.3 People in immigration detention during 2007-08, by arrival type/reason for detention



Source: Department of Immigration and Citizenship, Annual report 2007-08 (2008), p 125.

3 Senator the Hon C Evans, Minister for Immigration and Citizenship, 'Unauthorised boat arrivals arrive on Christmas Island', media release, 2 October 2008.

- 1.8 On 21 December 2008, in order to facilitate the processing of a number of unauthorised boat arrivals intercepted in Australian waters between September and December 2009, DIAC began using the Christmas Island immigration detention centre.⁴ The centre was previously held in contingency mode. As at 1 May 2009, there were 192 people in immigration detention on the island.⁵
- 1.9 Of the current detention population, 128 people or approximately 20 per cent is comprised of people who have entered the country legally but have overstayed or who have breached the conditions of their visa. DIAC advises that changes in policy emphasis and improved program integrity are reducing the likelihood of detention for this group.⁶
- 1.10 There has also been a fall in the number of illegal foreign fishers in detention, from 2879 individuals across 2005-06 to 1232 in the last financial year (2007-08).⁷ This decline is likely to be due to increased cooperation between DIAC, Customs, the Australian Navy, the Department of Fisheries and the Indonesian Government in facilitating faster repatriation of these fishers to their home regions. As at 1 May 2009 there are eight illegal foreign fishers in detention and two in alternative temporary detention in the community.⁸

Source countries of people in detention

- 1.11 The source countries of the immigration detention population is largely determined by international developments such as natural disaster, regional or national conflicts, as well as the source countries for holders of various visa types who may then become unlawful by overstaying or breaching the conditions of their visa.
- 1.12 Between 1998-99 and 2001-02 people fleeing conflict in the Middle East from Afghanistan, Iraq and Iran contributed to the significant

4 Metcalfe A, Department of Immigration and Citizenship, *Transcript of evidence*, 18 February 2009, p 5.

5 Department of Immigration and Citizenship, *Immigration detention statistics summary as at 20 March 2009*, viewed on 31 March 2009 at http://www.immi.gov.au/managing-australias-borders/detention/_pdf/immigration-detention-statistics-20090320.pdf.

6 Department of Immigration and Citizenship, submission 129, p 9.

7 Department of Immigration and Citizenship, supplementary submission 129d, p 2.

8 Department of Immigration and Citizenship, *Immigration detention statistics summary as at 1 May 2009*, viewed on 14 May 2009 at http://www.immi.gov.au/managing-australias-borders/detention/_pdf/immigration-detention-statistics-20090501.pdf

increase in the number of unauthorised arrivals by boat, and these nationalities were the most represented in immigration detention.⁹

- 1.13 Table C.1 shows that since 2002-03, however, the most common nationality amongst the detention population was Indonesian. As these figures include illegal foreign fishers, this likely reflects increased numbers and interceptions of illegal fishing vessels entering Australian waters from Indonesia's southern regions.¹⁰

9 Parliamentary Library, Part 1, 'Australia and Refugees, 1901-2002: Annotated Chronology Based on Official Sources: Summary', *Chronology No. 2* 2002-03, 16 June 2003.

10 Hon P Costello MP, Treasurer, Budget Speech 2006 -07, delivered 9 May 2006; Department of Immigration and Citizenship, supplementary submission 129d, p 2.

Table D.1 Nationalities of people detained 2000-01 to 2007-08 (ranked by majority)

| 2000-01 to 2007-08 | | | | |
|--------------------|-------------|----------------------------|----------------------------|----------------------------|
| Year | 1st rank | 2nd rank | 3rd rank | 4th rank |
| 1996-97 | Iraq | Sri Lanka | China, Peoples Republic Of | Somalia |
| 1997-98 | Indonesia | China, Peoples Republic Of | Iraq | Sri Lanka |
| 1998-99 | Iraq | China, Peoples Republic Of | Afghanistan | Turkey |
| 1999-00 | Iraq | Afghanistan | Iran | China, Peoples Republic Of |
| 2000-01 | Afghanistan | Iraq | Iran | Indonesia |
| 2001-02 | Iraq | Afghanistan | China, Peoples Republic Of | Indonesia |
| 2002-03 | Indonesia | China, Peoples Republic Of | Papua New Guinea | Malaysia |
| 2003-04 | Indonesia | China, Peoples Republic Of | Malaysia | Korea, South |
| 2004-05 | Indonesia | China, Peoples Republic Of | Malaysia | Korea, South |
| 2005-06 | Indonesia | Malaysia | China, Peoples Republic Of | Korea, South |
| 2006-07 | Indonesia | Malaysia | China, Peoples Republic Of | Philippines |
| 2007-08 | Indonesia | Malaysia | China, Peoples Republic Of | India |

Source: Department of Immigration and Citizenship, supplementary submission 129f, p 2. Data for years prior to 2002-03 has excluded those for whom no nationality is reported.

Children in immigration detention

1.14 The *Migration Amendment (Detention Arrangements) Act 2005* held that children would no longer be held in detention unless as a 'last resort'. Instead families with children could reside at a specified place in accordance with a residence determination (grant of community detention) by the Minister. Families with children are now placed in community detention, although some may be detained in immigration residential housing, immigration transit accommodation or alternative temporary detention immediately prior to removal; for initial processing; or whilst appropriate rental accommodation in the community is being sourced. Additionally, families can be currently granted a bridging visa as an alternative to detention, although as the Committee outlines in chapter 3, this may place families in difficult

circumstances where work rights or income assistance do not accompany the bridging visa.¹¹

- 1.15 Reflecting the trends in the adult immigration detention population, the numbers of minors taken into detention was greatest in 2000-01 and 2001-02, when respectively 1344 and 1244 children were placed in immigration detention centres. In 2007-08, 239 children were taken into immigration detention.¹²
- 1.16 As at 1 May 2009, there were 55 children (aged under 18 years) in immigration detention. Twenty eight were being detained in the community under residence determination, 23 were in alternative temporary detention in the community and four in immigration residential housing.¹³

Length of immigration detention

- 1.17 The length of time individuals spend in immigration detention has been a persistent concern. For the majority of individuals, however, detention is for a period less than one month, and this percentage has been improving gradually since 2003-04 (figure C.4).
- 1.18 Since the introduction of mandatory reporting to the Commonwealth Ombudsman there has been a significant decline in the number of people in detention for two years or more, particularly from 367 in 2007 to 34 as at 1 May 2009.¹⁴

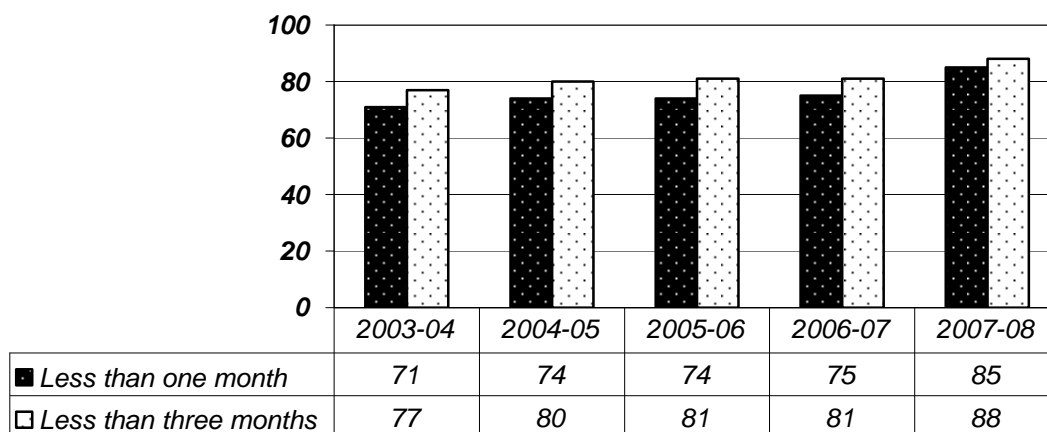
11 Department of Immigration and Citizenship, submission 129, p 18. The submission states that all families with children and unaccompanied minors who enter into immigration detention are referred to the Minister for possible consideration for community detention arrangements within two weeks of being detained.

12 Department of Immigration and Citizenship, submission 129d, p 1.

13 Department of Immigration and Citizenship, *Immigration detention statistics summary as at 1 May 2009*, viewed on 14 May 2009 at http://www.immi.gov.au/managing-australias-borders/detention/_pdf/immigration-detention-statistics-20090501.pdf

14 Department of Immigration and Citizenship, *Immigration detention statistics summary as at 1 May 2009*, viewed on 14 May 2009 at http://www.immi.gov.au/managing-australias-borders/detention/_pdf/immigration-detention-statistics-20090501.pdf

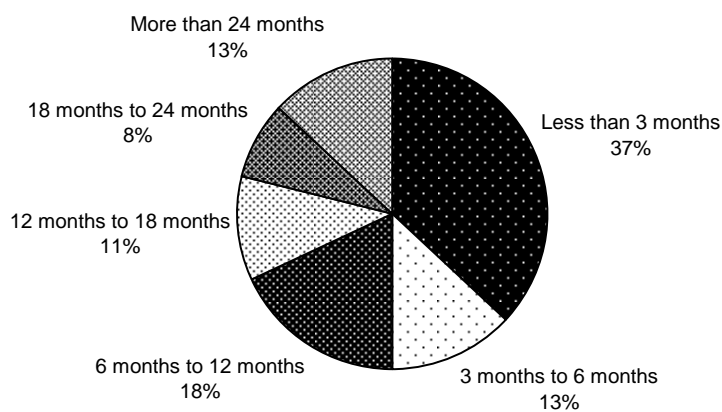
Figure D.4 Percentage of detention population with a length of stay less than three months



Source: Department of Immigration and Citizenship, correspondence, 19 November and 27 November 2008.

1.19 Figure C.5 provides a breakdown of the immigration detention population at 30 June 2008 by the period of time spent in detention.

Figure D.5 People in immigration detention by period detained at 30 June 2008



Source: Department of Immigration and Citizenship, Annual report 2007-08 (2008), p 128.