



Appendix E: Types of immigration detention

- 1.1 Since 2003, immigration detention accommodation in Australia has expanded beyond the immigration detention centre to include a range of lower security options, designed particularly to cater for the needs of families, children and vulnerable people. This report has been focussed on mechanisms for release from immigration detention, and has not therefore differentiated between types of detention in any detail. Nevertheless, these are outlined below for the benefit of readers.
- 1.2 These include:
- immigration detention centres (more secure detention);
 - immigration residential housing (family style detention accommodation for lower risk detention);
 - transit accommodation (hostel type accommodation for quick processing)
 - community detention (supported community living arrangements for those assessed as a low flight risk and for families with children), or
 - alternative temporary detention in the community, which may include foster care or alternative temporary detention in hotels or hospitals).¹

1 Department of Immigration and Citizenship, submission 129, pp 18-26.

Immigration detention centres

- 1.3 People in immigration detention determined by Department of Immigration and Citizenship (DIAC) to pose a higher flight or security risk are generally held within an immigration detention centre environment. The range of accommodation provided is varied, and includes dorms and single rooms, some of which have ensuites. Persons in detention centres share dining areas, laundries and multipurpose rooms. The perimeters of IDCs are securely fenced.²

Immigration residential housing

- 1.4 The range of facilities provided by DIAC as immigration residential housing (IRH) have been purpose-built and provide persons in immigration detention with a less institutional domestic environment. The predominant groups of people that are eligible to stay at an IRH are families with children, those awaiting a decision for release into community detention and other persons determined to be low risk.³
- 1.5 Accommodation in an IRH allows some degree of privacy for families to cook and eat together. Facilities are located in a residential style setting either in the community or on IDC grounds. Residents may visit local recreational facilities and attend community based educational and development programs when accompanied by an officer or other appropriately authorised person. Health and medical services are delivered through community-based health services, under the supervision of health staff employed by a Health Service Manager.⁴

Immigration transit accommodation

- 1.6 Immigration transit accommodation (ITA) is set up to offer semi-independent living in a hostel-style environment to those people expected to achieve an immigration outcome quickly.
- 1.7 The aim of this type of facility is to provide short stay accommodation for people who represent a low security risk, a low flight risk and have no known health concerns that cannot be managed at the accommodation.

2 Department of Immigration and Citizenship, *Detention health framework- a policy framework for health care for people in immigration detention* (2007), p 19.

3 Department of Immigration and Citizenship, *Detention health framework- a policy framework for health care for people in immigration detention* (2007), p 19.

4 Department of Immigration and Citizenship, submission 129, p 30.

Community detention

- 1.8 Community detention can only be authorised by the Minister personally under section 197AB of the Migration Act 1958, the ‘residence determination’ arrangement.
- 1.9 The legislation allows people in immigration detention to be detained in the community with the support of non-government organisations (NGOs) and some state welfare agencies. Currently community care is provided by the Australia Red Cross, which is funded to source housing and provide allowances to people in community detention to help meet living expenses.⁵
- 1.10 People in community detention reside in houses and home units without other indications that they are being detained; there is no requirement for official accompaniment during daily activities. Family groups, women and children, unaccompanied minors and people with special needs are considered for this form of immigration detention.⁶

Alternative immigration detention arrangements

- 1.11 Subsection 5(1) of Migration Act 1958 provides for establishment of places of alternative temporary detention in the community. DIAC applies this provision as a temporary solution to meet a critical need, such as for medical treatment, pending community detention grant, or where no other immigration detention facilities are available.
- 1.12 Alternative temporary placements in the community can include:
- motels, hotels and private apartments
 - hospitals, psychiatric facilities and other places where medical treatment is provided
 - home-based care using private accommodation owned or leased by relatives or people with established close relationships with the person in detention, and
 - foster care for unaccompanied minors.⁷

5 Department of Immigration and Citizenship, submission 129, pp 19-20.

6 Department of Immigration and Citizenship, submission 129, p 19.

7 Department of Immigration and Citizenship, submission 129, p 25.

- 1.13 While use of alternatives has been increasing, immigration detention centres remain the most commonly used type of accommodation, as illustrated in table E.1.

Table E.1 Total number of days spent in immigration detention- July 2005 to June 2008

Immigration detention centre	506 187
Community detention	68 446
Immigration residential housing	16 286
Immigration transit accommodation	648

Source: *Department of Immigration and Citizenship, supplementary submission 129h, p 4. The low figures for immigration transit accommodation reflect the fact that the first ITA facility was only opened in Brisbane in November 2007, followed by the Melbourne facility in June 2008. Department of Immigration and Citizenship, submission 129, p 23.*

- 1.14 As at 7 November 2008, of a total of 279 people in detention:

- 189 were in immigration detention centres
- 44 were in community detention
- 25 were in alternative temporary detention in the community
- 16 were in immigration residential housing, and
- 3 were in immigration transit accommodation.
- 2 were restricted on board vessels in port.⁸

⁸ Department of Immigration and Citizenship, *Immigration detention statistics summary*, as at 7 November 2008, viewed on 26 November 2008 at http://www.immi.gov.au/managing-australias-borders/detention/_pdf/immigration-detention-statistics-20081031.pdf.