



786-1247



**THE HON PETER DUTTON MP
MINISTER FOR IMMIGRATION
AND BORDER PROTECTION**

Ref No: MC16-006932

Dr Dennis Jensen MP
Chair
Standing Committee on Petitions
Parliament House
CANBERRA ACT 2600

Dennis,
Dear Dr Jensen

Thank you for the Committee's letter of 17 June 2013 enclosing Petition Number 786/1247, concerning regional processing of asylum seekers, immigration detention in Australia, and work rights and support for those in the Australian community. I apologise for the delay in responding.

Much has changed since this petition was received, including the election of a Coalition Government and the establishment of Operation Sovereign Borders in September 2013. Since then, the Australian Government has focused on disrupting and deterring people smugglers, detecting and intercepting illegal maritime arrivals (IMAs), and supporting regional processing and resettlement of asylum seekers, as well as returns of those not found to be owed protection. The ongoing success of Operation Sovereign Borders has denied people smugglers a product to sell to often vulnerable people and restored integrity to the migration programme. The Government remains committed to the regional processing and resettlement arrangements in place in Nauru and Papua New Guinea.

The Australian Government views immigration detention as an essential component of strong border control. Detention is not limited by a set timeframe but is dependent upon a number of factors, including identity determination, progress with visa status resolution, and individual circumstances relating to health, character or security matters.

Immigration detention is subject to both administrative and judicial review, and to full parliamentary scrutiny for accountability. The length and conditions of detention are regularly reviewed by senior Department of Immigration and Border Protection officers and the Commonwealth Ombudsman.

Resolving the immigration status of the IMA legacy caseload of almost 30,000 people in Australia who arrived under the former government is expected to take several years. Information on Temporary Protection visas and the new Safe Haven Enterprise visa and access to services and support for IMAs is available at:
<http://www.border.gov.au/Trav/Refu/Illegal-maritime-arrivals/>.

The Government has reduced the detention population by approximately 90 per cent by placing eligible IMAs in the community on bridging visas or in community detention while they await the resolution of their status. Those who are granted bridging visas will, in most cases, have permission to work. IMAs in community detention are not permitted to work.

Before their release into the community, an assessment of personal circumstances and stage in the immigration status resolution process is undertaken to identify what, if any, transitional and ongoing support might be required.

IMAs living in the community access support through the Status Resolution Support Services Programme. This programme is provided by the Department of Immigration and Border Protection through contracted service providers and is designed to assist IMAs to meet their basic and essential needs in the community.

There are a small number of families with children detained within the Immigration Detention Network. Where families and children are detained, they are accommodated in the least restrictive forms of placement possible: immigration residential housing; immigration transit accommodation; or an alternative place of detention. At these facilities, they can access services, support and care according to their assessed needs.

Wherever possible, family unity is maintained. As with all placement decisions, family arrangements are subject to many variables, including operational, capacity and security requirements. For example, a family may live together in immigration detention because one member is not eligible for community detention or the grant of a bridging visa.

As at 7 March 2016, there were 48 IMA children in held detention in Australia, compared with a peak of 1,992 children in July 2013. Of the 48 children, 41 are temporarily in Australia (usually to access specialist medical treatment). These children and their families are subject to regional processing in Nauru. Any decision to return an individual to Nauru will be undertaken in a considered and compassionate manner.

The Nauru Regional Processing Centre operates as an open centre and transferees are free to come and go at any time without restriction. Transport is provided to assist transferees to move around Nauru.

The Government of Nauru is responsible for the management and administration of the refugee status determination process and has made determinations for most transferees. Refugees are provided with support to settle into the local community. Many adult refugees are now in either full or part-time employment.

Thank you for bringing this petition to my attention.

Yours sincerely

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PETER DUTTON

16/03/16