

783-1243



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

Ref No: MC16-006882

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

Dennis,
Dear Dr Jensen

I refer to Petition Number 783/1243, received on 26 June 2013, from Mr Bevil Purnell OAM, of the Refugee Resettlement Committee and Social Justice Group of the St John the Apostle Parish, Kippax, concerning children in immigration detention. 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. These measures are intended to deny people smugglers a product to sell to often vulnerable people and to restore integrity to the migration programme. From 1 January 2014 any IMAs who arrive in Australia will be transferred to either the Manus or Nauru Regional Processing Centres (RPCs). Those who come to Australia illegally by boat are not eligible for permanent residency in Australia.

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.

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.

A combination of community detention and the grant of Bridging visas E (BVEs) allows about 29,000 IMAs to live in the Australian community while they await the resolution of their visa status, including families with children. IMAs living in community detention are supported via the Status Resolution Support Services (SRSS) programme. Those BVE holders who need some assistance might also be eligible for support under the SRSS 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.

Arrangements are in place for all IMA children, whether in detention, community detention or granted BVEs, to attend local schools.

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) and these children and their families are subject to regional processing in Nauru and will be transferred there once they and their families are fit to transfer. The Government is working to reduce the remaining small number of cases in Australia further, although national security or character issues with a parent might be a barrier to the placement of a family in the community. Cases are reviewed regularly.

Any decision to return an individual to Nauru will be undertaken in a considered and compassionate manner.

The Nauru RPC 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.

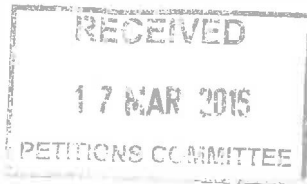
The Government of Nauru is responsible for the management and administration of the refugee status determination process and has made determinations for most transferees. Refugees are provided with support to settle into the local community.

Thank you for bringing this petition to my attention.

Yours sincerely

PETER DUTTON

903-1371



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

Ref No: MS16-000884

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 15 May 2014 enclosing Petition Number 903/1371, regarding the case of Ms Eunsil (Chloe) Park, the parent of an Australian citizen child, Miss Ari Jae Illingworth, now aged 6 years. I apologise for the delay in responding.

Circumstances have changed since this petition was received. On 2 September 2014 the former Minister intervened under section 417 of the Migration Act, to grant a permanent Former Resident (Subclass 151) visa to Ms Park.

Thank you for bringing this petition to my attention.

Yours sincerely

PETER DUTTON

16/03/16