JOINT STANDING COMMITTEE ON MIGRATION (JSCM)

INQUIRY INTO IMMIGRATION DETENTION IN AUSTRALIA

44 QUESTIONS

Responses from the Department of Immigration and Citizenship
15 October 2008

Detention data

The Committee requests the following data to inform its inquiry:

1. **Annual number of immigration detainees in Australia for each year from 1988 – present, and breakdowns of**

   - **most common nationalities**

[see over the page]

Nationalities of people taken into immigration detention 1989-90 to 2007-08 Nationalities shown in rank order				
Year	1st rank	2nd rank	3rd rank	4th rank
1989-90	Cambodia	China, Peoples Republic Of	Vietnam	Fiji
1990-91	Cambodia	Vietnam	China, Peoples Republic Of	Fiji
1991-92	China, Peoples Republic Of	Tonga	Philippines	Poland
1992-93	China, Peoples Republic Of	Fiji	Romania	Tonga
1993-94	China, Peoples Republic Of	Vietnam	Indonesia	Fiji
1994-95	China, Peoples Republic Of	Vietnam	Indonesia	Philippines
1995-96	China, Peoples Republic Of	Indonesia	Fiji	Somalia
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

Note: Data for years prior to 2002-03 has excluded those for whom no nationality is reported.
Note: In 1989-90 and in 1993-94 the count for "China, Peoples Republic Of' includes those recorded as "China, so stated".

23. In his report *DIAC: Administration of detention debt waiver and write-off*, the Ombudsman recommended that DIAC should consider debt waiver where a person is or was released from detention as 'not unlawful.' DIAC responded that this is the current process.

Has the review been undertaken and if so what is the outcome?

An initial review of detention debt was undertaken. The findings of the review are now being considered as part of the broader changes to immigration detention as announced in the government's New Directions in Detention.

Other

43. Is there a policy on media access to immigration detention centres?

People in immigration detention may call journalists at any time. There are no restrictions but the Department asks that journalists have regard to concerns about identifying individual people in immigration detention.

The Department has a responsibility to protect the privacy of people in immigration detention and detention staff. This is paramount, because identification of people in immigration detention may give rise to adverse attention from the authorities in their country of origin (*sur place* claims) or jeopardise the safety of their families overseas.

Also for this reason, restrictions are placed upon journalists who seek to conduct interviews at immigration detention facilities with people in immigration detention.

From time to time the Department has arranged media tours of its immigration detention facilities but has placed some restrictions to protect the privacy of people in immigration detention, as well as to pay due regard to operational requirements relevant to the continuing management of the facilities. Under these arrangements, journalists, camera crew and photographers:

- may take cameras into the centre, but are not permitted to photograph people in immigration detention, officers of the Department or officers of the detention services provider (GSL Australia Pty Ltd) in a way that they may be identifiable, noting that pixelling/blurring of faces may not be sufficient to mask identity

- may not do any type of audio recording in the facility

- may photograph/film in interview rooms and accommodation areas when they are unoccupied

- may photograph eating, recreational, medical and religious facilities, ensuring that any people present will not be identifiable.

A departmental officer accompanies participants and provides a briefing to explain the different parts of the processing operation and describe the facilities. For obvious reasons, the arrangements are subject to security considerations on the day.

JSCM PUBLIC HEARING

WEDNESDAY, 24 SEPTEMBER 2008

QUESTIONS ON NOTICE

Context of the question (from Hansard transcript) is at **Attachment A**.

QUESTION 2 (M13)

Mr Zappia— ... of ... matters that go to court, can you give some indication of how many decisions uphold the department's position and how many the detainee's position? And what is the cost to the community of these court cases?

As at 30 September 2008 the active caseload before the courts and AAT was 1007 matters. This includes 38 matters involving clients in immigration detention. During 2007/2008 95% of all matters (this includes those involving detainees) that proceeded to a defended hearing before the courts were resolved in favour of the Minister.

The Department's litigation is managed by Litigation Branch within Legal Division. During 2007/2008 Litigation Branch expenditure totalled $28.398 million. This includes both external (DIAC's legal panel providers) and internal costs.

QUESTION 2

(Hansard page reference: M13)

Mr Zappia —Mr Metcalfe, you commented earlier that there were about 1,000 matters before the courts at the moment and I want to confirm whether that was the figure. Secondly, of those matters that go to court, can you give some indication of how many decisions uphold the department's position and how many the detainee's position? And what is the cost to the community of these court cases?
Mr Metcalfe—I might provide a clear answer on notice, if that is okay.
Mr Zappia —Sure.
Mr Metcalfe—I receive a regular report in relation to litigation that the department is involved in. I understand that we now have just under 1,000. It was 998 or 999 matters variously in the Administrative Appeals Tribunal, the Federal Magistrates Court, the Federal Court and the High Court. That represents an extraordinary decline in the numbers before the courts.
Interestingly, the actual number of applications continues at a relatively high figure. What that means is that finalisations are occurring more quickly. I said earlier that some very cooperative work between my department, the Attorney-General's Department and the courts has resulted in more effective processes and therefore quicker resolution on matters. Again, I will take on notice the issue of success rates, but the success rate of the government in defended matters before the courts is well above 90 per cent. I will take on notice the cost of litigation.
Mr Zappia —Thank you.
Mr Metcalfe—In previous years, it has amounted to some tens of millions of dollars. I will obtain a figure for the last financial year and provide it to the committee.
Mr Zappia —Thank you.

JOINT STANDING COMMITTEE ON MIGRATION (JSCM)

INQUIRY INTO IMMIGRATION DETENTION IN AUSTRALIA

44 QUESTIONS

Responses from the Department of Immigration and Citizenship
16 October 2008

11. How many remained in immigration detention facility because the Minister did not implement a recommendation of the Ombudsman that they should be detained in the community or granted a visa?

Departmental systems do not enable reporting on the answer to this question. In many cases the Ombudsman makes no recommendations in his reports under section 486O of the *Migration Act 1958*. Where the Ombudsman does make recommendations these can cover a range of issues relating to the individual case. While the Ombudsman's recommendations are not binding on the Minister or the Department, efforts are made to address the issues raised in the section 486O reports.

16. Is action being taken to reduce the length of time to implement decisions to remove/deport and if so what is it?

Yes. Case managers are responsible for ensuring timely progress towards immigration outcomes for vulnerable clients and/or those with complex, sensitive or exceptional circumstances. Case managers ensure that work on each case is being undertaken by all relevant parties in a coordinated, logical, planned way with a focus on achieving a timely immigration outcome while ensuring a client's health and welfare needs are addressed. Coordination for planning of a removal brings together work of a number of areas of the Department covering, for example:

- assessment and resolving of international obligation issues
- travel document preparation
- logistical planning
- health checks and clearances
- preparation of post-removal arrangements, and
- liaison with other agencies and detention providers

The Department is also working to improve how we:

- respond to court actions or immigration matters brought by a person being removed
- work with foreign missions to ensure travel documents are issued in a timely manner
- ensure that all health issues are considered in the pre-removal process of assessing availability for removal, and
- ensure that all assessments of a person's intervention and other requests are accorded priority.

37. How many people currently hold bridging visas, by class of visa?

As at 30 June 2008 there were 56 224 people holding bridging visas (BVs). The table below provides a break-down of people currently holding BVs by current BV subclass. This data is current.

BV's in Effect as at 30 June 2008 by BV Subclass	
BV sub-class	**number**
Not Stated	4
BVA (010)	38294
BVB (020)	8300
BVC (030)	3681
BVD (040)	1
BVE (050)	5923
BVE (051)	2
BVF (060)	3
BVR (070)	16
Totals	**56224**

39. Who decides whether a person will be granted a bridging visa or detained?

It is Departmental policy that only Compliance officers who are delegated and have completed specialist training through the College of Immigration are able to exercise the powers to detain under s189 or s192 of the Migration Act.

Who can Grant a Bridging Visa?

Section 73 of the *Migration Act 1958* (the Act) states that the Minister or an authorised decision-maker may grant an eligible non-citizen a bridging visa:

'[i]f the Minister is satisfied that an eligible non-citizen satisfies the criteria for a bridging visa as prescribed under subsection 31(3), the Minister may grant a bridging visa permitting the non-citizen to remain in, or to travel to, enter and remain in Australia :

(a) during a specified period; or

(b) until a specified event happens.'

Bridging visas A, B, C and D are granted by client services officers.

Bridging Visa Es are generally granted by Compliance officers because it is often a requirement for the grant of the visa that the person be interviewed by an authorised officer. Compliance officers are authorised officers.

Detention Power

Section 189(1) of the Act provides that if an officer knows or reasonably suspects that a person in the migration zone is an unlawful non-citizen, the officer must detain the person. The power to detain under s189 can only be exercised by a person who is an officer for the purposes of the Act. All departmental officers are officers for the purposes of the Act.

Even though all officers under the Act are authorised to detain unlawful non-citizens under s189 this general authorisation is limited by policy. In relation to the detention of unlawful non-citizens in the community the policy is that only those Compliance officers who are appropriately trained may exercise detention powers. The relevant training is both Phase 1 and Phase 2 training for Compliance officers at the Immigration College.

Bridging E Visas (BVE)

The exercise of the power to detain under s189(1) is mandatory as indicated by the term 'must detain' but the department's policy is that the grant of a Bridging E visa should be considered prior to detaining a person, where it is appropriate and safe to do so. Where a compliance officer grants a BVE, the person becomes a lawful non-citizen and there is no obligation to detain the person under s189.

40. Are decisions to detain rather than to grant a bridging visa reviewed as a matter of course? If so, by whom, and what guidelines apply e.g. length of time within which review must occur?

Departmental compliance officers are responsible for making decisions to detain an unlawful non-citizen. Following this initial decision, compliance officers are currently required to reassess the decision to detain every 28 days to ensure reasonable suspicion or knowledge continues to be held that the person in detention is an unlawful non-citizen. In addition, a departmental case manager assigned to the person is responsible for conducting a review at least every 28 days to ensure that the person's case is progressed to a timely immigration outcome.

As a further measure, Detention Review Managers (DRMs) review every detention decision to ensure compliance with relevant legislation and departmental policies and that alternatives to detention in an immigration detention facility have been considered.

The DRM must conduct an initial review of the decision to detain a person within 48 hours of the detention decision or 24 hours if the identity of the person is not confirmed. The DRM is also responsible for conducting mandatory reviews every 28 days of the person's case after the initial detention to ensure that:

- detention of each person remains lawful and reasonable,
- knowledge or reasonable suspicion continues to be held that the person is an unlawful non-citizen,
- outstanding identity issues have been followed up, and
- follow-up of issues relating to the client are conducted through appropriate means of referral or escalation.

When considering whether there are any alternatives to immigration detention, the DRM must review the decision of the detaining officer that the grant of a bridging visa is not appropriate. As part of their review, the DRM must also be satisfied that alternative places of accommodation have been considered for clients, including community detention options.

Further, the Minister, in his 29 July 2008 speech (New Directions – Restoring Integrity to Australia's Immigration System) announced significant reform to the manner in which the department makes decisions to detain; and to the controls surrounding those decisions.

To address this, the department is preparing a new detention review model which comprises of:

- three monthly review by a Senior Officer; and
- Independent review every six months by the Commonwealth Ombudsman (in addition to the existing review at two years).

The new model proposes an additional layer of assessment of detention-associated decisions, ensuring the reviews will be:

- comprehensive, considering the totality of the client's immigration history
- investigative, and consider the validity of all departmental actions and decisions
- analytical, questioning the reasoning and evidence underpinning departmental decisions
- challenging, actively querying departmental actions, requiring responses to concerns identified

If approved, it is proposed this model would be fully implemented by January 2009.

Refer to the response to Question 25 for details on procedures that are in place to ensure people are detained only when detention is lawful.

QUESTION 9 (M25)

Mrs Vale —Just briefly, I want to ask about victims of people trafficking. How many do we have in Australia at the present time?

The exact number of victims of trafficking in Australia at any one time is not known as this crime type is one that is clandestine by nature. As at 30 June 2008, there were 46 people on temporary visas due to them being a victim of, witness to or possibly involved in people trafficking or sexual servitude.

QUESTION 11 (M31)

Senator Bilyk —

(c) What is the annual budget allocated to the community care pilot?

In the 2008-09 Budget, the Commonwealth Government announced the extension of the Community Care Pilot for a further 12 months with an allocation of $5.6 million. A summary of how the Pilot operates was tabled by the Department at its appearance before the Committee on 24 September 2008.

QUESTION 9

(Hansard page reference: M25)

Mrs Vale —Just briefly, I want to ask about victims of people trafficking. How many do we have in Australia at the present time? Also, how do we deal with such people when they actually come into your purview? Do we keep them in detention? Do we deport them as urgently as possible? I am being mindful that these people, who are victims, have often been in very traumatic circumstances. I would just like to know the policy on how we treat victims of people trafficking.

Ms O'Connell—Certainly. I can provide you with a copy of the whole-of-government approach to people trafficking that outlines a series of measures. On the Immigration side, those measures now include a bridging visa that people who are the victims of trafficking are immediately provided with upon being found. We work with the Australian Federal Police and the Office for Women in terms of providing support to those people, providing immediate counselling for those people and also providing somewhere for them to stay and be looked after. They are certainly not detained and the bridging visa framework allows them to remain lawfully in the community whilst they are working with the police and other authorities. They are also supported during that time. There is care, support, accommodation—all of those things— provided for them because they need to be taken out of the arrangements that were in place. Following that, there are witness protection visas that they are eligible for and there are both temporary visas and longer term visas. The people-trafficking arrangements are led from the Attorney-General's portfolio and Minister Bob Debus recently held a roundtable on people-trafficking measures, looking at a range of issues in terms of other possible support arrangements, possible changes to the visa framework et cetera to support people who are victims of traffickers.

Mr Metcalfe—In terms of numbers, we will take that on notice. I do not want to appear glib in such a sensitive area, but there is a slight Donald Rumsfeld comment there: we know what we know, but we do not know what we do not know.

Chair —Unknown unknowns.

Mr Metcalfe—That is not someone I normally quote. But certainly there has been a very determined effort to ensure that victims of trafficking are identified and are assisted through the process, as Ms O'Connell said. But any figure we give, of course, is what we know, and the extent to which there are other victims of trafficking who have not come to our attention or have not been found is something that we would not be able to comment on.

QUESTION 11

(Hansard page reference: M31)

CONTEXT

Senator Bilyk —What is the annual budget allocated to the community detention program managed by the Red Cross?

Ms O'Connell—The community detention program is different to the community care pilot. I do have a summary of the community care pilot, if you are interested in the services, but I might ask Dermot to answer your question about community detention. There are approximately 50 people in community detention.

Mr Casey—If I were appearing before another committee I would have all the financial information but I am afraid I do not have it. I can provide it to you, though.
Senator Bilyk —Thanks.
Chair —We will take that on notice, thank you.
Senator Bilyk —What is the annual budget allocated to the Asylum Seeker Assistance Scheme—
Mr Casey—I will take that on notice to get the numbers exactly right.
Senator Bilyk —and, once again, the community care pilot?
Ms O'Connell—The budget for the community care pilot for this financial year—and it is operating in three states: Queensland, New South Wales and Victoria—is $5.6 million. I am happy to provide you with the—
Senator Bilyk —Sorry, what were the three states?
Ms O'Connell—Queensland, New South Wales and Victoria. I am happy to table this summary of how it operates.

JSCM PUBLIC HEARING

WEDNESDAY, 24 SEPTEMBER 2008

QUESTIONS ON NOTICE

(response from the Department of Immigration and Citizenship)

Context of the question (from Hansard transcript) is at **Attachment A**.

QUESTION 3 (M15)

Mr Randall — ...when people have a determination and it is deemed that they are to leave or be removed, what number of them fail to appear for removal?

...do you have the figures on the number of people who have basically disappeared into the community and have not presented for removal after a negative decision?

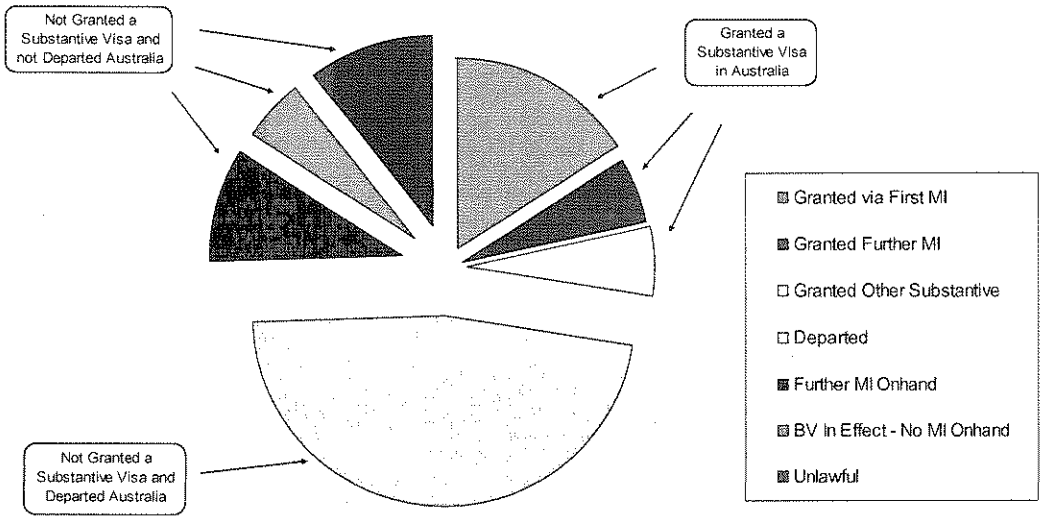
... I am after the figures on those who have not presented for removal after it has been deemed that they should leave. I would appreciate it if you could provide that figure.

There are currently 48,500 people unlawful in the community who are, by definition, liable for removal.

There are currently some 56,000 people lawfully in the community on bridging visas. The vast majority of these people are working through immigration processes, whether that be at the stage of primary application, merits review, judicial review or Ministerial intervention. As those processes are progressed cases will be resolved either by visa grant, voluntary departure, or the person becoming liable for removal.

The Department is unable to report on the eventual outcome for all people who have received a negative decision at the primary application, merits review, judicial review or Ministerial intervention stages.

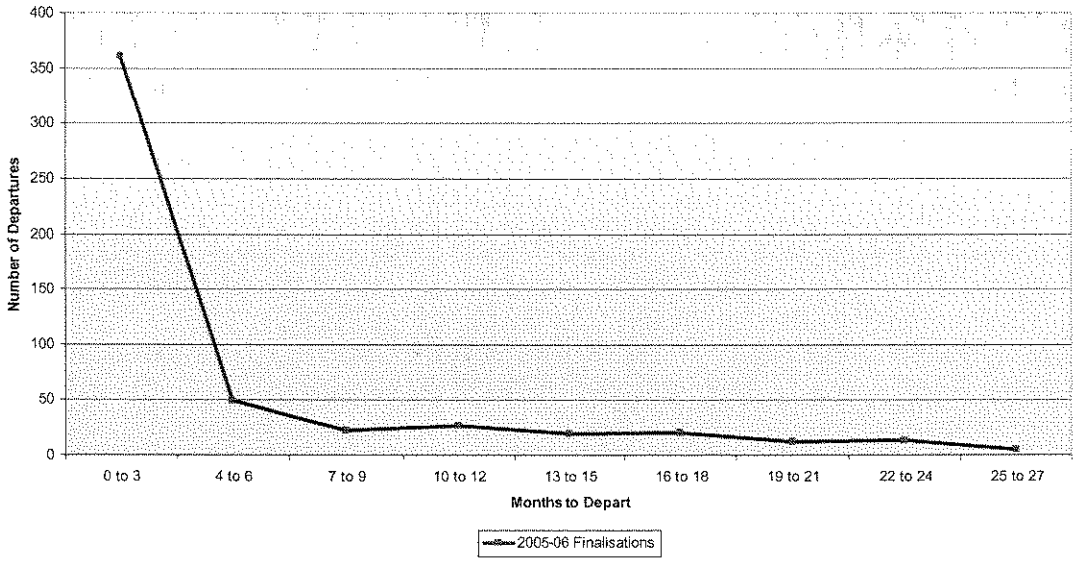
MI Clients Where MI Finalised in 2005-06
Immigration Status and/or Location



NB: Figures sourced from Department systems as at 18 Jan 2008

Status and/or Location (as at 18 Jan 2008)	**Granted a Substantive Visa**			**Not Granted a Substantive Visa**				**Total**
	Granted on First MI request	Granted on Further MI request	Granted Other Substantive visa w/o MI	Departed Australia	Further MI Onhand	No MI Onhand – BV In Effect	No MI Onhand - Unlawful	
2005-06 Finalisations	181	62	65	531	107	61	118	**1125**
	Sub-total = **308**			Sub-total = **817**				

Unsuccessful Humanitarian MI Clients
Time to Depart Australia



NB: Figures sourced from Department systems as at 18 Jan 2008

Unsuccessful Humanitarian MI Clients – Time to Depart Australia Cumulative Totals

Months to Depart	0 to 3	4 to 6	7 to 9	10 to 12	13 to 15	16 to 18	19 to 21	22 to 24	25 to 27
Number of Departures	361	49	23	27	20	21	12	13	5
Cumulative Total Departures	361	410	433	460	480	501	513	526	531
Cumulative % of All Not Granted	44.29	50.31	53.13	56.44	58.90	61.47	62.94	64.54	65.15

NB: Figures sourced from Department systems as at 18 Jan 2008

QUESTION 3

(Hansard page reference: M15)

Mr Randall —On that matter—and this leads on from what Mr Zappia said about cases before the courts et cetera—when people have a determination and it is deemed that they are to leave or be removed, what number of them fail to appear for removal?
Ms O'Connell—There can be a range of circumstances why people do not appear immediately for removal. Certainly, our following through of current caseload shows that quite a significant number, if given a little time to arrange their removal, will depart without any further intervention or action on the part of the department. On a recent caseload that we specifically studied in depth, almost 50 per cent—and I can come back with a precise figure—of those given a negative decision would go. Sometimes they may require a little more time than their bridging visas allow, and they would be given an extension to make those departure arrangements. Provided that they were genuinely making departure arrangements, we would allow the extension of a temporary stay. Of the remaining caseload, some of the reasons people do not depart might be that they have some immediate issue preventing their departure, such as a health condition or something like that. Equally, people may be pursuing other forms of review. They may have been through merits review and then be pursuing judicial review, and therefore they stay during those ongoing proceedings. And there are some who do not depart and remain unlawful, and they become subject to our compliance activity to locate them.
Mr Randall —That is more the point that I am going to. I have heard your broad description of those who have presented for removal, but do you have the figures on the number of people who have basically disappeared into the community and have not presented for removal after a negative decision?
Ms O'Connell—I would have to get the figures for you on those who are subject to a negative decision. We talked about the broad number of people who are unlawfully in Australia. They may be people who have come to Australia and have never pursued any other visa decision. They might have arrived on a visitor visa and then just stayed without pursuing any action. We talk about that figure of overstayers being people who may have pursued some decision, got a no and become unlawful. They are broadly the people who are unlawful in Australia. Some of them will have pursued all types of review and some of them may have pursued no types of review.
Mr Randall —I appreciate your background explanation of why they might be overstayers and not presenting for removal. But, seriously, maintaining the integrity of our migration system is a problem not only in Australia but worldwide—and this is what we are all about in this review and many others. I suspect that the figures cannot be accurate because, if you do not know who or where the overstayers are, it is hard to tell. I am after the figures on those who have not presented for removal after it has been deemed that they should leave. I would appreciate it if you could provide that figure.
Ms O'Connell—We will take that on notice and get you that exact figure. It will be a proportion of that group of 50,000 overstayers.

JSCM INQUIRY INTO IMMIGRATION DETENTION IN AUSTRALIA

Christmas Island Questions

1. **What are the differences between policies and procedures applicable to people detained on Christmas Island (having arrived at an excised offshore place) and on mainland Australia, for example: criteria, process and timetable for determining appropriate form of detention?**

People who arrive without authority at an excised place are defined under the *Migration Act 1958* (the Act) as 'offshore entry people' (OEPs). OEPs are subject to specific provisions of migration legislation that differentiates them from other unauthorised arrivals landing on mainland Australia (or other parts of Australia that are not excised) and authorised arrivals who become unlawful, are detained and subsequently make claims for protection.

In particular, the provisions relating to OEPs:

- prevent them (under subsection 46A(1) of the Act) from being able to make any valid visa application in Australia, including any Bridging or Protection visa application, unless the Minister uses a specific and non-compellable power inviting them to lodge an application (under subsection 46A(2) of the Act); and
- prevents them from taking legal action in the Australian courts, with the exception of continued access to the High Court in its original jurisdiction, in terms of decisions made by the department.

These restrictions apply to OEPs wherever they may be taken for processing in Australia.

procedures for assessing applications for protection visas e.g. right of appeal?
There is a legislative difference in relation to the ability to make a valid application for a visa, between people who have been detained after arriving unlawfully on mainland Australia, and offshore entry persons who have been detained.

People who arrive unauthorised at excised offshore places (described in the Act as 'offshore entry persons') are taken to Christmas Island for processing. Unlike people who arrive at mainland Australia or places in Australia other than an excised offshore place, offshore entry people are prevented by subsection 46A(1) of the Act from lodging a valid visa application, including an application for a Protection visa (PV). Under subsection 46A(2), the Minister may allow a valid application to be made if he considers it to be in the public interest.

Any offshore entry persons who raise claims that *prima facie* may engage Australia's protection obligations participate in a non-statutory refugee status assessment. Through this process, trained officers of the Department assess their claims against the requirements of the *1951 Convention* and *1967 Protocol Relating to the Status of Refugees* and with reference to a wide range of relevant and current information on conditions in the person's country of origin. The non-statutory refugee status assessment is an administrative process that does not involve an application for a visa.

The Minister permits any offshore entry person who is found to be a refugee through the non-statutory refugee status assessment to apply for a PV using his power under subsection 46A(2) of the Act. In the past, people found not to be refugees through the non-statutory process could have the decision reviewed by a more senior officer than the officer who conducted the original assessment. In changes recently announced by the Minister, this internal review function will be replaced by giving access to independent merits review to people who are found not to be refugees.

Other asylum seekers in Australia (i.e. not offshore entry persons) are able to apply for a PV directly. Their protection claims are assessed as part of the visa application process.

access to services including legal advice and assistance?
On 29 July 2008, the Minister announced that people arriving in excised offshore places who have protection claims will have access to publicly funded application assistance and advice. This is consistent with onshore arrangements, where detained people also have a choice of government assisted or self funded migration assistance when seeking protection.

Prior to this announcement people arriving in an excised offshore place could access independent migration assistance on request, but had to fund such advice from their own resources.

length of time to determine applications for protection visas?
There is currently no prescribed timeframe for finalising a non-statutory refugee status assessment but the Department strives to finalise such a process as expeditiously as possible.

For onshore protection applications made onshore, and offshore entry persons where the Minister has allowed a valid visa to be made under subsection 46A(2) of the Act, all primary Protection Visa (PV) decisions made by the Minister must be made within 90 days of application under section 65A. Similarly, under section 414A, reviews by the Refugee Review Tribunal must occur within 90 days of the application for review.

availability of different forms of detention and bridging visas?
All people subject to immigration detention in mainland Australia and Christmas Island are evaluated for placement after consideration of health risks, gender considerations, disabilities and safety and security concerns. Whether any particular placement option is appropriate is a question that is specific to the various risk factors involved in each particular set of circumstances.

There are a range of detention accommodation options on Christmas Island in addition to the immigration detention centre. All unauthorized boat arrival groups including minors can be processed in facilities at the Construction Camp. Accommodation for children and their families is available at the Construction Camp, alternative (unfenced) facilities at Phosphate Hill and in community based housing.

Onshore detention options include Immigration Detention Centres, Immigration Residential Housing, Immigration Transit Accommodation, Community Detention and alternative places of detention.

In relation to bridging visas, offshore entry persons are prevented by subsection 46A(1) of the Act from lodging a valid visa application, including an application for a Bridging visa (BV). The only avenue for the grant of a bridging visa for offshore entry people is under subsection 46A(2), whereby the Minister may allow a valid application to be made if he considers it to be in the public interest for any visa application.

People onshore can apply for, and be granted, bridging visas, provided that they meet the relevant criteria.

JSCM PUBLIC HEARING

WEDNESDAY, 24 SEPTEMBER 2008

QUESTIONS ON NOTICE

[Response from the Department of Immigration and Citizenship]

QUESTION 10 (M30)

Could you explain to me how the asylum seeker assistance scheme works?

ASYLUM SEEKER ASSISTANCE (ASA) SCHEME:

Background

Created in 1993, ASA operates through contract with the Australian Red Cross. It is funded by an Administered Appropriation with annual levels fluctuating from about $3.5million to $12million, currently at $7.1million. Red Cross uses a capped percentage for its administration costs.

Approximately 50% of Protection visa applicants receive some ASA, and in 2007-08 1867 Protection visa applicants were assisted. The level of assistance provided depends on clients' individual circumstances, and is needs driven.

Types of support:

Depending on the circumstances, benefits may include:

- fortnightly income payment of 89% of the Centrelink Special Benefit for a family of equivalent composition;
- where an eligible ASA client requires accommodation or is expected to contribute towards accommodation costs, then the ASA Scheme provides the rental component portion of Special Benefit (reduced to 89%). (ASA clients able to reside with an Australian resident family member in the family home would generally not be eligible for the rental component);
- funded basic health care through a network of providers coordinated by the Red Cross;
- pharmaceutical subsidies equivalent to the PBS;
- torture and trauma counselling;
- bereavement assistance; and
- some other minor services.

Eligible:

Eligible persons are applicants for Protection visas at the primary stage (seeking a departmental decision) where more than six months has elapsed (about 5% of current recipients) or where an exemption criterion is met (95% of current recipients). Applicants meeting exemption criteria can also be supported throughout the Refugee Review Tribunal process. Exemption criteria generally

cover the ill, minors, families with children, the elderly and some carers for these groups. Special Payments can exceptionally be made for groups beyond these eligible parties.

Detainees, non-PV applicants, former PV applicants refused at the RRT, including court litigants, and those requesting Ministerial Intervention are not eligible.

How it works:

All applicants for Protection visas are informed that for financial assistance during the process, applicants should approach the Red Cross (the current contract holder) in the nearest capital city.

The initial role of the Red Cross is to assess financial circumstances. Visa status is then confirmed with Onshore Protection staff of the Department of Immigration and Citizenship.

Payments are not usually payable until 6 months have elapsed after visa lodgement without decision notification, except for groups exempted from this waiting period, in which case payment and other support can start immediately. The exempt groups include: minors; families with young children; the elderly; those incapacitated for work (whether or not work rights are held) due to illness including the effects of torture or trauma; carers for these groups; and some others.

Fortnightly in-person interviews are conducted by the Red Cross to check eligibility for continuing support, including income support payments, access to basic health care, pharmaceutical benefits, and other benefits. Where recipients who receive benefits under exemptions proceed to merits review after an unfavourable primary decision, support is generally continued without interruption. Support otherwise ceases when the visa decision is finally made, that is, twenty-eight days plus 7 working days after notification of the primary decision is sent. Where assistance is available at merits review, support ceases after the final decision of the Refugee Review Tribunal is handed down.

Beyond the RRT, persons are no longer regarded as asylum seekers, having exhausted the due process, and Special Payments are made only exceptionally.

JOINT STANDING COMMITTEE ON MIGRATION (JSCM)

INQUIRY INTO IMMIGRATION DETENTION IN AUSTRALIA

44 QUESTIONS

10. What was the basis of release from immigration detention facility eg removal, grant of visa; transfer to community detention?

The following is a break-down of the basis of release from detention of people who had been in detention for 2 years or longer as at 30 September 2008.

Visa Grant	322
Currently offshore °	48
Court ordered release	13
Visa reinstated / cancellation overturned	3
Australian citizenship granted by operation of law	3
Residence determination "community detention" *	18
TOTAL+	**407**

° Note that this figure is comprised of one deportation, three voluntary departures and 44 removals.

* Note that, while released from an immigration detention facility, these people remain detained under the Act.

+ Note that of this caseload, 19 people remain detained under the Act and housed in an immigration detention facility (not included in the total figure).

Period between decision to remove/deport and removal

13. For people in detention over the past 3 years, what was the average length of time between the decision to remove/deport and actual removal/deportation?

Under the *Migration Act 1958*, there is not a specific point where departmental officers make a decision to remove a client from Australia. Officers are under a statutory obligation to remove an unlawful non-citizen as soon as practicable. This is addressed in handling each case. However, the department cannot provide data on the time between clients becoming available for removal and their actual removal date.

Information is available on the length of time between a person being detained and their removal. On average, of the 3,625 removals from immigration detention in 2007-08, removal occurred within around 1 month of being detained.

14. In how many cases was the period taken to remove/deport substantially longer than the average e.g. by 1 month? By 3 months?

As noted in the response to Question 13, the Department cannot provide information to respond to this question, however information is available on the length of time between a person being detained and their removal.

Of the 3,625 removals from immigration detention in 2007-08, about 65% were removed within two weeks of their detention, a further 30 percent were removed within two months and the remaining 5% were detained for more than 60 days. Around 85 percent were removed within 28 days of being detained.

People not lawfully detained

25. What procedures are in place to ensure people are detained only when detention is lawful?

Section 189 of the Migration Act provides that if an officer knows or reasonably suspects that a person in Australia is an unlawful non-citizen, then the officer must detain the person.

In response to recommendations in the Palmer Report, the Department has clarified myriad policy and procedures in relation to section 189 of the *Migration Act 1958* (the Act) in consultation with the Ombudsman's office and other relevant stakeholders.

These initiatives have included:

- Revised guidelines on "Detention Powers" were approved in July 2007 and published in the Centralised Departmental Instructions System in August 2007. Guidelines on "Detention Procedures" and "Establishing Immigration Status' have also been finalised and signed off as part of the department-wide Instruction Reform Project. These guidelines were published in April 2008. The revised procedures provide guidance to officers on detention powers, the process of establishing a person's immigration status, the formation of reasonable suspicion, the detention process, record keeping requirements and detention review processes.

- Litigation and case law may also impact on the lawfulness of ongoing immigration detention. For example, a court's decision on a notification matter may affect a large number of clients in immigration detention. In November 2007 the Secretary of the Department issued a Chief Executive

Instruction to provide direction to staff for responding to all court decisions which have the potential to significantly impact on detention status and/or removal policy and procedures. This Instruction requires a timely review of those people detained to assess whether they are case law affected. If they are identified as case law affected they are released as a matter of urgency. An example of this process was seen in the recent *Sales* decision of the Full Federal Court of Australia.

- The administration of section 189 detention powers and its relation to other provisions of the Act has been incorporated into the DIAC College of Immigration Compliance course (Reasonable Suspicion and the Power to Detain). The Reasonable Suspicion and the Power to Detain training is further strengthened with practical training exercises conducted over a four day period.

- The Immigration Status Service (ISS) is a departmental initiative that was set up to provide a 24 hour, seven day a week contact point for Australian police services to make enquiries regarding the immigration status of suspected unlawful non-citizens. In order to assist police with determining whether they should detain a person under section 189 of the Act, the department promotes, through training, the need for police to seek advice from the ISS before they look to exercise their powers to detain.

- A compliance quality assurance program has been developed within the department's National Quality Assurance Framework to establish consistent processes in Onshore Compliance activities. The program utilises three levels of assurance for Onshore Compliance business, supported by a common decision making framework for key decisions. This means compliance staff use the same set of forms and procedures to make and record decisions in a consistent way across Australia. It has also introduced a process to review key decisions just before, or very soon after they are made.

  The three levels of quality assurance are:

  - mandatory control points which require recording of handling steps in departmental systems. These mandatory control points include recording the decision to detain, review of that decision by a senior officer (Detention Review Manager) within 24 hours and review again each 28 days.

  - quality assurance – random sampling of compliance cases three times a year.

  - quality control – independent biannual assessment by Internal Audit.

- Departmental policy requires that a Compliance officer must state the reasons for forming reasonable suspicion which leads to the detention of a

person under section 189 of the Act. These reasons are detailed in departmental systems in relation to the relevant case on the Detention Note under Mandatory Control Point 4. Detention Review Managers (DRMs) review the initial section 189 detention decision, under Mandatory Control Point 7, within 24 hours of the detention where the identity of the detainee is not known, or within 48 hours where the identity of the detainee is known. DRMs are required to review the cases of people in immigration detention on an ongoing basis to ensure their detention remains lawful, reasonable and is being actively progressed to an immigration outcome. Further information on DRMs is included in the response to Question 40.

The Compliance and Case Management Portals also support these quality assurance mechanisms through the automation of key activities.

- A data link has been established between the department's and the Migration Review and Refugee Review Tribunals' CaseMate systems to provide for automatic updates of a client's review status in departmental systems. In addition, the Tribunals introduced a 24 hour enquiry line for the exclusive use of compliance officers to ascertain a client's review status and thus prevent unlawful detention. Improvements to the data link are continuing, to ensure that it plays an integral part in the Department's future environment.

Bridging visas

36. What are the types of bridging visas and their main elements e.g. work rights?

There are seven separate classes of bridging visa.

• **Bridging visa A (BVA)** – granted to non-citizens who are the holders of a substantive visa and who make a valid application for a further substantive visa (that is, of a kind that can be granted if the applicant is within Australia).

• **Bridging visa B (BVB)** – available to Bridging visa A holders and permits the non-citizen to travel to, enter and remain in Australia. A BVB will be in effect until the substantive visa application has been decided or judicial review is completed. In order to obtain a BVB the person must have substantial reasons for wanting to travel.

• **Bridging visa C (BVC)** – available to applicants who do not hold a substantive visa when they apply for another substantive visa while in Australia.

• **Bridging visa D (BVD) Prospective Applicant** – a short term Bridging visa available to persons who want, but are temporarily unable, to make a valid application (subclass 040); or, who are unable or do not want to apply for a

substantive visa but a compliance officer is not available to interview them (subclass 041).

• **Bridging visa E (BVE)** – a subclass 050 is available to certain unlawful non-citizens in circumstances including where they are applying for a substantive visa, seeking review of a decision not to grant or to cancel, or making arrangements to depart Australia.

A subclass 051 is available to unauthorised arrivals who have either been refused immigration clearance or who have bypassed immigration clearance and come to notice within 45 days of entering Australia and satisfy at least one of the following criteria:

- are less than 18 years of age
- are 75 years of age or more
- have a special need based on health or torture or trauma, or
- are the spouse of an Australian citizen, permanent resident or eligible New Zealand citizen.

• **Bridging visa F (BVF)** – under the provisions of this visa, unlawful non-citizens who are of interest in relation to a people trafficking matter may be able to remain in Australia for up to either 30 days or a date specified by the Minister, depending on the circumstances of the unlawful non-citizen. The visa period allows the AFP, or State or Territory Police to assess whether they wish to seek a Criminal Justice Stay Certificate (CJSC) for that person. The issue of a CJSC is a criterion for the grant of a Criminal Justice Stay visa.

• **Bridging visa R (the Removal Pending Bridging visa (RPBV))** – enables the release, pending removal, of people in immigration detention who have been cooperating with efforts to remove them from Australia, but whose removal is not reasonably practicable at that time.

Work conditions attached to bridging visas

Work conditions attached to a bridging visa will vary according to the substantive visa applied for, as well as the applicant's immigration status and personal circumstances at time of application. Attachment A provides details of the work conditions attached to bridging visa types in varying circumstances.

Attachment A (refer to question 36 response): Bridging visas and work conditions (NB- does not include protection visa applications)

Visa Class	Bridging A visa and Bridging B visa			Bridging C visa
General description	Granted to non-citizens who hold a substantive visa and make a valid substantive visa application. Judicial review application must be made within statutory time limit. BVBs provide permission to travel to and enter Australia. A BVB can only be granted to a non-citizen who holds a BVA or BVB.			Granted to non-citizens who do not hold a substantive visa, do not hold or have not held a BVE and make a valid substantive visa application. Judicial review application must be made within statutory time limit
Circumstances	If the non-citizen is applying for: • Subclass 880; • Subclasses 881, 882; • Subclasses 885, 886, 887 OR • if the BV is granted without application under 2.21A and the non-citizen is applying for a spouse or partner visa	In any other case: 8101, 8102, 8103, 8104, 8105, 8107, 8108, 8111, 8112, 8539, 8547, or 8549 may apply. If any of the above conditions were previously attached to a visa held: • at the time of application; OR • if that visa has ceased- the last BVA or BVB; OR • if a BV is granted without application under reg 2.21A or 2.21B – at the time of grant these conditions must be attached to the new BVA or BVB.		If the non-citizen is applying for any substantive visa except for a protection visa: (NB- conditions on previous visa are not relevant.)
Work condition	**permitted to work** NIL conditions. No *compelling need to work* requirement.	**permitted to work-** if the previous conditions permitted work and only in the circumstances permitted by the previous conditions. May apply for a further BVA and request a change of conditions. Need to demonstrate a *compelling need to work*.	**cannot work-** if the previous conditions did not permit work. May apply for a further BVA and request a change of conditions. Need to demonstrate a *compelling need to work*.	**cannot work-** May apply for a further BVC and request a change of conditions. Need to demonstrate a *compelling need to work*.

<table>
<tr><td>Visa Subclass</td><td colspan="5">Bridging E visa – Subclass 050 visa (NB does not include subclass 051 visa)</td></tr>
<tr><td>General description</td><td colspan="5">Granted to unlawful non-citizens in a variety of circumstances. A criterion for grant is that the decision-maker is satisfied the applicant will abide by any conditions imposed on it.
Subclass 050 visas can be granted to non-citizens who apply for judicial review outside of the statutory time frames.</td></tr>
<tr><td>Circumstances</td><td>Application for judicial review of a decision in relation to a substantive visa that can be granted in Australia.
OR

Application for judicial review of the validity of a law in relation to eligibility to apply or to be granted or to continue to hold a substantive visa.
OR

If the non-citizen has been granted a BVE by operation of section 75 of the Act.

(NB- Section 75 automatically grants a BVE to certain non-citizens in immigration detention who apply for a BVE and a decision has not been made on their bridging visa application within a prescribed period.)</td><td>If the non-citizen has applied for:

• a declaration from a court that the Migration Act does not apply to them;
OR

• judicial or merits review of a decision under the Citizenship Act</td><td colspan="2">If the non-citizen has applied for Ministerial Intervention:

• If the Minister is personally considering whether to exercise his powers;
OR

• The Minister has decided to grant a visa, but is prevented by section 85 (quotas)</td><td>In any other case of Ministerial Intervention</td><td>In any other case, the conditions are discretionary.

Legislation or policy specifies that the decision-maker considers if the non-citizen has a compelling need to work.

Further BVE applications to change work conditions may be considered if the non-citizen's circumstances do not prevent permission to work.</td></tr>
<tr><td>Work condition</td><td>cannot work</td><td>permitted to work
No compelling need to work.</td><td colspan="2">permitted to work
Need to demonstrate a compelling need to work.</td><td>cannot work</td><td>permitted to work
Need to demonstrate a compelling need to work.</td></tr>
</table>

Who is eligible for a bridging visa

Section 72 of the Act

72. (1) In this Subdivision:

eligible non-citizen
means a non-citizen who:

(a) has been immigration cleared; or
(b) is in a prescribed class of persons; or
(c) the Minister has determined to be an eligible non-citizen.

Section 73 of the Act provides that if an eligible non-citizen (as defined in section 72) satisfies the criteria for a bridging visa the Minister may grant a bridging visa.

For a bridging A visa, bridging B visa, bridging C visa, or a bridging D visa the non-citizen must be immigration cleared.

In addition, a non-citizen who has bypassed immigration clearance and has not come to the attention of the department within 45 days of entering Australia is eligible to be granted a bridging C visa or bridging D visa (provided they meet all other criteria for grant).

> Non-citizens refused immigration clearance on or after 1 September 1994, or those who bypass immigration clearance on or after 1 September 1994 but come to the notice of the department within 45 days of arrival in Australia are not eligible for the grant of a subclass 050 visa. However, they may be eligible for the grant of a subclass 051 visa.

Bridging visa work conditions for Protection visa applicants (refer to question 36 response)

	Bridging visa A (granted to non-citizens who are holders of a substantive visa and who make a valid application for a further substantive visa)		**Bridging visa C** (granted to a non-citizen who does not hold a substantive visa, does not hold or has not held a BVE and makes a valid substantive visa application)		**Bridging visa E** (granted to unlawful non-citizens in a variety of circumstances)	
Primary PV Processing and Merits Review (RRT/AAT) **(BV remains in effect until application is "finally determined" + 28 days from notification)** **Note**: an application is "finally determined" when that application is not, or is no longer, subject to	applied within 45 days	applied after 45 days	applied within 45 days	applied after 45 days	applied within 45 days	applied after 45 days
	permitted to work	**cannot work**, unless a primary decision has not been made on the PV application and 6 months has elapsed since PV application was made.	**cannot work**, unless the applicant demonstrates a *compelling need to work.*	**cannot work**	**cannot work**, unless the applicant demonstrates a *compelling need to work.*	**cannot work**

any form of merits review.						
	Bridging visa A		**Bridging visa C**		**Bridging visa E**	
Judicial Review **(the bridging visa criteria for judicial review are, for the most part, of generic application and not Protection visa applicant specific)** **(BV remains in effect until 28 days after court decision or until further consideration is completed by merits review**	**Cannot work**, unless the applicant applied for a Protection visa within 45 days (work rights is granted on the basis of having work rights at primary and merits review). **Note**: the applicant must have applied within the *statutory time limits* for judicial review to continue to be eligible for a BVA.		**Cannot work,** unless the applicant applied for a Protection visa within 45 days (work rights is granted on the basis of having work rights at primary and merits review). **Note**: the applicant must have applied within the *statutory time limits* for judicial review to continue to be eligible for a BVC.		**cannot work** **Note**: applicants who apply for judicial review outside the statutory time limits will be eligible for a BVE	

body or the department)			
Ministerial Intervention **(the bridging visa criteria for Ministerial intervention is of generic application, not Protection visa applicant specific)** **(BV remains in effect until a specified date)**	**Not applicable**	**Not applicable**	**cannot work**, unless the Minister is *personally considering* whether to exercise the Minister's powers or the Minister has decided to substitute a more favourable decision but the visa cannot be granted because of s85; and the applicant can demonstrate a *compelling need to work*.

JSCM PUBLIC HEARING

WEDNESDAY, 24 SEPTEMBER 2008

QUESTIONS ON NOTICE

[Responses from the Department of Immigration and Citizenship]

Context of each question (from Hansard transcript) is at **Attachment A**.

QUESTION 1 (Hansard page reference: M8)

Mr Georgiou—Have there been instances where we have deported people who have been medicated to prevent their resistance?

We have been unable to identify any instances where people being removed have been medicated to prevent their resistance. It is the policy of the Department and the health service provider that no medical treatment will be given to a person in immigration detention without consent, unless permitted by law.

There have been instances where under regulation 5.35 of the *Migration Regulations 1994* the Secretary has authorised that a person may receive medical treatment even though they may not consent. No such authorisation has been given for such treatments to facilitate a removal since the regulation was introduced in 1994.

From time to time allegations are made that a person has been medicated in order to facilitate their removal. Earlier this year a complaint of this nature was made to the Department concerning a removal in October 2007. An independent audit of the case was commissioned through the Department's external auditor. Whilst the audit did not establish that medication had been administered in order to facilitate removal, it did find that medication had been administered to a person in detention without their consent. As a result this case was referred on 17 July 2008 for full investigation to the Commonwealth Ombudsman. The Ombudsman's investigation of this case is underway and is expected to be completed by the end of November 2008.

QUESTION 6 (M21)

Senator Hanson-Young—And there has not been any time where they (children) have been separated (from their parents)?

As at 24 September 2008, there were 11 children in Community Detention and there were two children accommodated in Sydney Immigration Residential Housing (IRH). The children were all living with their families, except three in Adelaide who were abandoned by their mother and were in foster care under arrangements with Families SA. The two children in Sydney IRH were residing with their family and were granted Bridging Visas on 25 September 2008.

QUESTION 11 (M31)

Senator Bilyk —
(a)What is the annual budget allocated to the community detention program managed by the Red Cross?

Since its introduction in June 2005 the annual budget for the Community Detention (CD) Program has been $2 million of which a proportion is allocated to the Red Cross for the provision of services to clients living in CD arrangements. These costs do not include health services which are provided by the International Health and Medical Services (IHMS) as part of their detention health contract with the Department. The Department has allocated $1.043 million to the Red Cross for the 08/09 financial year.

(b)What is the annual budget allocated to the Asylum Seeker Assistance Scheme...

The budget for 2008-09 for the ASA is up to $7.101m. Approximately 80% of expenditure are payments to the Australian Red Cross for clients assisted. The level of expenditure will be based on demand.

CONTEXT OF EACH QUESTION – FROM THE TRANSCRIPT

QUESTION 1
(Hansard page reference: M8)

Senator Bilyk—Following on from that, what would be the procedure for someone who had been on suicide and self-harm watch while in detention? Would you explain to me what would happen with such a person? Also, would any sorts of medication or restraints be used?
Ms O'Connell—I will defer to Mr Casey as to suicide and self-harm.
Mr Casey—Senator, all medical records are checked before a person is declared as medically fit for removal. If a person has had previous mental health issues, then they would be referred for a report, from a psychiatrist and a psychologist, to determine whether in fact that person's removal would impact negatively in any clinical sense. For all people who are being removed we do require that the medical provider provide us with 'fitness to travel' documentation. If there have been any issues in relation to the person's previous health, whether it be physical or psychological, then we ask that they also consult with somebody of the appropriate professional standing who has known the person and is able to give a clinical assessment of their fitness. I think you asked about restraints.
Senator Bilyk—Medication.
Mr Casey—Nobody would be medicated in order to facilitate their removal. That is prohibited.
Mr Georgiou—That is new.
Mr Casey—Our health provider have within their own company rules that medication would not be administered to somebody in order to facilitate their removal. If a person is on prescribed medication, they would be provided with prescribed medication that they could continue to take and provided with sufficient medication, so that they have a period of time until they return to their own country in which to renew that prescription. The length of that medication, as to how much medication we would provide, would be determined by the doctor.
Chair—So if someone appears to be insensible while they are travelling, it is not because under their removal procedure they have been administered drugs by contractors to you or whoever it is. So they are on medication that they normally receive and that makes them appear to be like that.
Mr Casey—In a few cases people may be prescribed medication. But there is no lawful capacity to administer medication to somebody without their consent in any circumstance.
Mr Georgiou —That appears to be new. Is that new?
Mr Casey—I do not know whether I would say it is new. It has certainly since I have been—
Mr Georgiou —Have we sent people overseas under medication?
Mr Casey—As I have said, I understand that there have been circumstances where people have been taking medication.
Mr Georgiou —No, sorry—
Senator Bilyk —Maybe it is 'encouraged'.

Mr Georgiou —Have there been instances where we have deported people who have been medicated to prevent their resistance?
Mr Casey—From my knowledge as to the circumstances, I am not aware that somebody has been administered medication in order to facilitate—
Mr Georgiou —Could I ask somebody who does actually have a longer history and can remember whether people were deported under medication to prevent their resistance.
Mr Metcalfe—If you are asking a question in relation to if it has ever been a departmental or government policy that it is feasible for medication to be administered to render a person compliant with removal, I will take that on notice. I certainly have no knowledge of that being permissible in the last three years. One of the reasons Mr Casey came to the department from the department of health was to ensure that we essentially adopted best practice in relation to mental health and our health treatment of detainees. It has certainly improved vastly in recent years. As to whether at any time it has been like that, I will take that on notice.

QUESTION 6

(Hansard page reference: M21)

Senator Hanson-Young—I would just like to pick up on some of the things that you said earlier. Just to clarify: do you have the numbers of children who are being held in any of the alternative facilities—whether in transition centres or community housing projects?
Mr Casey—Yes, we have two children in immigration residential housing, and we have 12 children who are in community detention arrangements. So, in total, of that population, 14 are children.
Senator Hanson-Young—So there are no children left in transit centres?
Mr Casey—There are no children in transit accommodation.
Senator Hanson-Young—Of those 14 children, are they all with their parents?
Mr Casey—Yes.
Senator Hanson-Young—And there has not been any time where they have been separated?
Mr Casey—Can I just qualify that: I will check that, but my understanding is that we do not currently have any unaccompanied children who might be in community fostering arrangements. But I will check that for you.
Senator Hanson-Young—That would be really helpful.

QUESTION 11

(Hansard page reference: M31)

CONTEXT
Senator Bilyk —What is the annual budget allocated to the community detention program managed by the Red Cross?
Ms O'Connell—The community detention program is different to the community care pilot. I do have a summary of the community care pilot, if you are interested in

the services, but I might ask Dermot to answer your question about community detention. There are approximately 50 people in community detention.
Mr Casey—If I were appearing before another committee I would have all the financial information but I am afraid I do not have it. I can provide it to you, though.
Senator Bilyk —Thanks.
Chair —We will take that on notice, thank you.
Senator Bilyk —What is the annual budget allocated to the Asylum Seeker Assistance Scheme—
Mr Casey—I will take that on notice to get the numbers exactly right.
Senator Bilyk —and, once again, the community care pilot?
Ms O'Connell—The budget for the community care pilot for this financial year—and it is operating in three states: Queensland, New South Wales and Victoria—is $5.6 million. I am happy to provide you with the—
Senator Bilyk —Sorry, what were the three states?
Ms O'Connell—Queensland, New South Wales and Victoria. I am happy to table this summary of how it operates.