

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 27-28 MAY 2009

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(66) Program 4.2: Onshore Detention Network

Senator Hanson-Young asked:

I understand that there are currently 82 children being held in some form of detention other than an actual detention centre.

(1) Could you provide a breakdown on the length of time these children have been held for?

(2) What is the nationality of these children?

(3) Have the children been separated from their families?

Answer:

At the Senate Estimates hearing on 28 May 2009 the Department advised that there were 82 minors in immigration detention as at 15 May 2009. Subsequent checks of records identified that a date of birth for an Indonesian crew member identifying him as a juvenile had been determined as incorrect following his appearance before the Perth Magistrates Court and his subsequent remand in Hakea Prison on 29 April 2009. There were therefore 81 minors in immigration detention as at 15 May 2009. The response below has taken this into account.

(1) The periods of immigration detention for the 81 minors as at 15 May 2009 were:

32 for less than one month;
41 for between one and three months;
3 for between three and six months;
1 for between six and twelve months;
1 for between twelve and twenty four months;
3 for more than two years.

Of the 41 minors in immigration detention for between one and three months 19 were detained in the community under community detention arrangements and 22 were detained in alternative detention on Christmas Island (Construction Camp).

All minors in immigration detention are actively managed. Some of the cases of minors in immigration detention for more than three months have been resolved since the question was asked; the remainder are expected to be finalised in the near future.

- Two minors detained for between 3-6 months were placed in community detention arrangements on 29 April 2009 with their older brother. They receive additional support through the Australian Red Cross. On 24 March

2009, both of them lodged an application for protection which the Department refused on 1 May 2009. On 19 August 2009, the Refugee Review Tribunal affirmed the refusal decision. The two clients and their older brother lodged an appeal with the Federal Court on 17 September 2009 to review the RRT decision.

- Another minor detained for between 3-6 months was placed in community detention on 30 January 2009. He was refused a PV on 26 March 2009. The Refugee Review Tribunal affirmed the refusal decision on 8 July 2009. On 23 September 2009 the Minister declined to consider intervening under section 417 of the *Migration Act 1958*.
- The minor detained for between 6-12 months resides in community detention arrangements with parents and receives additional support through the Australian Red Cross. The minor was refused a Protection Visa (PV) on 1 December 2008. The Refugee Review Tribunal affirmed the refusal decision on 14 April 2009. This case is currently before the Minister for his consideration of a visa grant.
- The minor detained for between 12-24 months was residing with parents in community detention arrangements in NSW and received additional support through the Australian Red Cross. This child has since been granted a visa.
- The three minors who had been in immigration detention more than two years were unaccompanied minors in community detention in Adelaide. They were cared for by Families SA, who were appointed guardians until they are 18 years of age. These cases have now been resolved by the grant of permanent visas.

(2) The nationalities of these minors were:

56 from Afghanistan,
3 from Indonesia,
3 from Sri Lanka
3 from Albania,
2 from Pakistan,
2 from Nigeria,
9 from Iraq,
2 from Iran,
1 from the Peoples' Republic of China.

(3) Whilst a number of minors in immigration detention have arrived in Australia unaccompanied, the Department does not separate minors who arrive as part of a family unit.