

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 19 November 2013

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE13/0330) PROGRAMME – 4.2: Onshore Detention Network

Senator Carr (Written) asked:

What is the level of Ministerial intervention in UAM cases?

Answer:

Under the *Immigration (Guardianship of Children) Act 1946* (IGOC Act), the Minister is the guardian of certain unaccompanied minors (UAMs). The Minister delegates his guardianship responsibilities to various officers of the Department and to state and territory child welfare agencies, and through various service provider agreements.

Under section 197AB of the *Migration Act 1958*, the Minister has the power to make a residence determination if he considers it is in the public interest to do so. Making a residence determination in respect of an unaccompanied minor (UAM) in immigration detention allows them to reside at a specified place in the community, without being accompanied and restrained by an officer and in accordance with conditions specified in the determination.

The Minister also has the power to vary or revoke (section 197AD) a residence determination if he considers it is in the public interest to do so.