



Appendix D: The Committee's second report of the inquiry into immigration detention in Australia

The Committee's second report, *Immigration detention in Australia: Community-based alternatives to detention*, was tabled in the Parliament on 5 May 2009. The Committee's recommendations from this report are reproduced below.

Recommendations

Recommendation 1

Given that the current bridging visa structure is shown to be complex and restrictive, the Committee recommends that the Australian Government reform the bridging visa framework to comprehensively support those released into the community, with appropriate reporting or surety requirements.

In reforming the bridging visa framework, specific consideration should be given to health, security and identity checks and risk assessments in accordance with the recommendations outlined by the Committee in its first report *Criteria for release from detention*.

Recommendation 2

The Committee recommends that the Australian Government utilise the reformed bridging visa framework in lieu of community detention until a person's immigration status is resolved.

Recommendation 3

The Committee recommends that the Australian Government review the cases of those currently on residence determinations, known as community detention, with a view to granting a reformed bridging visa until their immigration status is resolved, ensuring that there is a continuation of services and support currently available to those individuals.

Recommendation 4

The Committee recommends that, for any case where a person held in some form of immigration detention is refused a bridging visa, the Australian Government require that:

- clear and detailed reasons in writing are provided to the person being detained, and that
- the person has a reasonable time limit, up to 21 days, in which to seek merits review of that refusal, commensurate with those that apply to visa applicants in the community.

Recommendation 5

The Committee recommends that the Australian Government provide means-tested access to independent migration counselling and migration legal advice to all people in immigration detention and to those living in the community on bridging visas.

In order to facilitate means-tested access to independent migration counselling, the Committee recommends that the Australian Government increase the scope of the Immigration Advice and Application Assistance Scheme and review the current eligibility criteria to make assistance under this scheme available to all people in immigration detention and to those living in the community on bridging visas.

Recommendation 6

The Committee recommends that the Australian Government:

- provide indicative processing times and criteria for the ministerial discretion provisions under the Migration Act 1958 in order to avoid prolonged uncertainty for people, and
- provide reasons for ministerial decisions in order to improve transparency and discourage repeat requests for ministerial intervention.

Recommendation 7

The Committee recommends that the Australian Government establish a voluntary repatriation program, similar to that run by the International Organisation for Migration through the Community Care Pilot, which can be accessed by all people whether in detention or released on a bridging visa.

Recommendation 8

The Committee recommends that the Australian Government reform the bridging visa framework to ensure that people are provided with the following where needed:

- basic income assistance that is means-tested
- access to necessary health care
- assistance in sourcing appropriate temporary accommodation and basic furnishing needs, and provision of information about tenancy rights and responsibilities and Australian household management, where applicable, and
- community orientation information, translated into appropriate languages, providing practical and appropriate information for living in the Australian community, such as the banking system, public transport and police and emergency contact numbers.

Recommendation 9

The Committee recommends that the Australian Government commit to ensuring that children living in the Australian community, while their or their guardian's immigration status is being resolved, have access to:

- safe and appropriate accommodation with their parent(s) or guardian(s)
- the provision of basic necessities such as adequate food
- necessary health care, and
- primary and secondary schooling.

Recommendation 10

The Committee recommends that the Australian Government reform the bridging visa framework to grant all adults on bridging visas permission to work, conditional on compliance with reporting requirements and attendance at review and court hearings.

Recommendation 11

The Committee recommends that the Australian Government provide that, where permission to work on a bridging visa is granted, this permission should continue irrespective of whether a person has applied for a merits, judicial or ministerial review.

Recommendation 12

The Committee recommends that the Australian Government have access to a stock of furnished community-based immigration housing which:

- should consist of open hostel-style accommodation complexes and co-located housing units.
- should be available to people and families on bridging visas who do not have the means to independently organise for their housing needs in the community, and
- where rent should be determined on a means-tested basis.