



Australian Government
Department of Immigration and Citizenship

Sister Grace Ellul sm
Social Justice Committee
Conference of Leaders of Religious Institutes in NSW
PO Box 259
ROSEBARY NSW 1445

Dear Sister Ellul

Thank you for your letter of 2 February 2009 to the Minister for Immigration and Citizenship, Senator Chris Evans, concerning children who arrived unauthorised by boat and whose claims for asylum are being processed on Christmas Island. The Minister has asked me to reply on his behalf.

Australia, as a signatory to the *Convention on the Rights of the Child*, takes its obligations very seriously. Minors are not held in Immigration Detention Centres and this has been a longstanding practice since 2005.

On 29 July 2008, the Minister announced a new set of immigration detention values which now guide immigration detention policy to ensure that people are treated fairly and with dignity. The new immigration detention values require that all detention must be for the shortest possible time, taking into account the necessary processes (identity, health and character checks, the Residence Determination assessment and the location of suitable community-based accommodation). Where immigration detention is considered necessary for a family group with children, the immigration detention values commit us to detention as a last resort and for the shortest practicable period.

Minors in the company of family members will be accommodated in the community. Families in community accommodation are unsupervised and can freely move in the community, subject to conditions that they reside at a specified address and maintain contact with the Department of Immigration and Citizenship. Unaccompanied minors are placed in accommodation in the community under the supervision of a suitably qualified live-in foster carer.

I understand your concerns regarding minors in immigration detention on Christmas Island, however, the processing of the asylum claims of unauthorised boat arrivals on Christmas Island, including of families with children and unaccompanied minors, remains an integral part of the Government's border security policy.

The new Immigration Detention Values facilitate a compassionate and humanitarian approach to people and to the resolution of their immigration status while they are on Christmas Island. Children on Christmas Island, whether in a family group or unaccompanied, are housed in alternative detention arrangements while health, identity and security clearances are completed. Once these checks are completed, arrangements are made for accommodation in the community.

people our business

In the case of unaccompanied minors on Christmas Island, the Department engages with professional foster care service providers to provide care for the unaccompanied minors in the community. Unaccompanied minors are visited regularly by staff of the Red Cross and are also visited by staff from a range of other organisations which include the Commonwealth Ombudsman's Office and the Australian Human Rights Commission. Volunteers from community groups also visit the young people regularly.

All minors on Christmas Island have access to a range of services and activities and attend school.

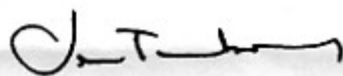
In terms of the length of time on Christmas Island, whenever possible, unaccompanied minors are given processing priority, with their asylum claims considered and assessments made under the *non-statutory refugee status assessment process*, ahead of the rest of their arrival group. Unaccompanied minors are also provided with publicly funded migration agents to assist them in presenting their asylum claims. In cases where the Minister has decided to lift the s46A(1) bar, in practical terms this has resulted in a very fast visa lodgement and grant process and speedy resettlement on the mainland.

This occurred in the case of the eight unaccompanied minors who were granted Protection Visas and were re-settled in South Australia on 17 January 2008. Prior to settlement, Departmental staff in the *Unaccompanied Humanitarian Program* consulted with the unaccompanied minors' then care provider, Families South Australia, to identify where each minor would be best placed in the Australian community.

The Commonwealth Ombudsman and the Office of the United Nations High Commissioner for Refugees, which have had an oversight role in this process, have commented favourably about the processes in place.

Thank you for writing about this matter.

Yours sincerely



Jan Tankiang
Assistant Secretary
Policy and Planning Branch
Community and Detention Services Division

28 February 2009