

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
BUDGET ESTIMATES  
MAY 2023**

**Home Affairs Portfolio  
Department of Home Affairs**

**Program 2.3: Refugee Humanitarian, Settlement and Migrant Services**

**BE23-278 - Immigration Detention and Community Statistics - Restrictions and Requirements on persons living in the community**

Senator James Paterson asked:

Page 6 says: “The overall number of people in immigration detention including in the community under residence determination has decreased by 637 to 1438 compared with 2075 at the end of March 2022. This number takes into account detainees in the community under residence determination and detainees who were held in immigration detention facilities as at 31 March 2023.”

What restrictions/requirements are placed on a person living in the community under a residence determination, for example but not limited to – do they have to reside at a provided address? Are they required to regularly report in person to police or other government agencies?

*Answer:*

Detainees subject to a residence determination are subject to conditions that broadly cover behavioural and departmental reporting requirements.

A copy of the current residence determination conditions is provided at **Attachment A**.

**CONDITIONS FOR COMMUNITY DETAINEES**

**Background Information**

The Minister has made a decision, known as a 'Residence Determination', to enable you to reside in community detention.

The conditions listed below are very important and you are required to comply with them. The Minister may cancel or revoke the Residence Determination made in your case if you fail to comply with these conditions.

You can ask questions of your Status Resolution Officer from the Department if you are unsure what the conditions mean. A copy of these conditions is also available in your language on request.

**CONDITION 1 – Address**

- a) You must reside at the address specified by the Minister in your residence determination letter.
- b) You must seek approval from the Department a minimum of 10 days before you wish to temporarily stay at a different address from the one specified by the Minister.

**CONDITION 2 - Visitors**

- a) You must have prior consent from the Department for visitors to stay overnight at the address where you reside.
- b) Your visitors must behave in ways that are respectful of neighbours, other residents and children and do not endanger themselves or anyone else.

**CONDITION 3 – Your behaviour in community detention**

- a) You must obey all Commonwealth, State, Territory and Council laws that apply to the address where you reside.
- b) You must behave in peaceful ways and try to resolve any conflicts in a calm and respectful manner. Do not act violently or make threats of violence towards any individual or group in Australia.
- c) You must not become involved in activities which threaten, harm or are disruptive to any individual or group within the Australian community.
- d) You must not intentionally cause damage to any part of the building, fixtures and fittings that belong to the address where you reside.
- e) You must not intentionally cause damage to any part of the whitegoods or furniture items provided at the address where you reside.
- f) You and your visitors must not engage in any form of commercial activity such as trading or gambling at the address where you reside.

**OFFICIAL**

- g) You must comply with any reasonable direction and rules imposed by the Department, Service Provider, Caseworker or Carer.
- h) You and your visitors are not permitted to bring alcohol or cigarettes into the address where you reside if occupied by a person who is under 18 years of age and in the care of a Carer employed or engaged by a Service Provider. You should be aware that it is against Australian law for people under 18 years of age to purchase or consume alcohol or cigarettes.
- i) You must not purchase or use illegal substances such as drugs.

**CONDITION 4 – Safety in community detention**

- a) You are responsible for your safety while in community detention and the welfare and safety of any children in your care.
- b) You must contact your Caseworker or Carer as soon as possible, if you or any children in your care are involved in a medical or other emergency that may endanger the health or safety of any person at the address where you reside.
- c) You must follow any safety procedures given to you by the Department, Service Provider, Caseworker or Carer.

**CONDITION 5 – Work and Study**

- a) You must not engage in work, or any other activity, which would normally receive an income or salary.
- b) If you are over 18 years of age, you must not engage in any vocational studies or training and you must seek prior approval from the Department to participate in an educational program.
- c) You must not engage in unpaid work, such as volunteering, unless it is approved by the Department.
- d) You must ensure that any school-aged children in your care attend school, in accordance with the requirements of the State/Territory government where you reside. In case of difficulties, you must discuss this with your Caseworker immediately.
- e) If you are under 18 years of age, you must attend school or participate in some other educational program (for example, English language training), as approved by the Department. You must abide by the lawful rules of your school or education facility at all times.

**CONDITION 6 – Compliance**

- a) You must comply with all instructions and requests from the Department relating to resolving your immigration status. This includes, but is not limited to, providing information or documentation and attending interviews with Departmental officers when requested to do so.

**CONDITION 7 - Reporting**

- a) You must report to your Departmental Status Resolution Officer at a time or times and in a manner specified in writing by your Departmental Status Resolution Officer.

**Reporting requirements between community detainee and the Departmental Status Resolution Officer.**

<input type="checkbox"/> Phone reporting	<input type="checkbox"/> Once a week	<input type="checkbox"/> Twice a week	Other:
<input type="checkbox"/> Meeting in person	<input type="checkbox"/> Once a week	<input type="checkbox"/> Once a month	Other:

**Description of reporting arrangements** (to be completed by the Departmental Status Resolution Officer)

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