



## Are we meeting our international obligations? UNHCR to give evidence on immigration detention

The United Nations High Commissioner on Refugees (UNHCR) will appear before the Migration Committee on Wednesday (15 October) to comment on whether Australia's immigration detention policy is consistent with the international treaties and conventions to which it is a signatory. The hearing is part of the Committee's current inquiry into immigration detention in Australia.

Committee Chair Michael Danby said that UNHCR was expected to give evidence on whether reforms to immigration detention may better align Australia with the Refugee Convention and other relevant international instruments.

In its submission to the inquiry, the UNHCR noted that under its guidelines asylum seekers and refugees may be detained in a limited range of circumstances. For example, detention could be justified for the purposes of verifying identity, dealing with cases where people have destroyed travel or identity documents in order to mislead authorities, and to protect national security or public order.

Nevertheless, UNHCR argue that 'there should be a presumption against detention' for all asylum seekers and refugees.

UNHCR has welcomed the reforms announced by the Minister for Immigration and Citizenship earlier this year, 'particularly the policy that now places an onus on the detaining authority to establish that detention is required following an individualised assessment of health, identity and security checks'.

It has said, however, that where detention is used on national security grounds, this decision 'should be based on specific and individualised risk assessment of each person', and reasons should be provided in writing for detention. UNHCR has also called for 'effective judicial or arms-length administrative review' of the decision to detain.

Mr Danby said, "We look forward to hearing UNHCR's views on recent reforms, particularly given that the Committee's first report will be on the criteria that should be applied in determining how long a person should be held in immigration detention".

### Details of the hearing:

Date: Wednesday, 15 October 2008  
Time: 11.30am - 12.00 noon  
Location: Committee Room 1R3, Parliament House, Canberra  
Witness: United Nations High Commissioner on Refugees  
The hearing will be webcast on the APH website at <http://webcast.aph.gov.au/livebroadcasting/>

**For media comment**, please contact the Committee Chair, Michael Danby MP, on (02) 6277 4520.

**For background information** please visit the inquiry website at

<http://www.aph.gov.au/house/committee/mig/reports.htm>

or contact the Committee Secretariat on (02) 6277 4560 or [jscm@aph.gov.au](mailto:jscm@aph.gov.au).