

ONSHORE DETENTION STRATEGY

Information paper

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The Department of Immigration and Multicultural Affairs (DIMA) has undertaken an extensive review of the current long-term onshore detention strategy approved in the 2004-05 Budget and an analysis of Australia's likely future detention demand for onshore immigration detention facilities. The outcome of this review has been the development of a new onshore detention strategy, with a view to improving the standards of care for immigration detainees, while simultaneously resulting in a reduction in ongoing costs.

The review

The findings of the Palmer report highlighted a specific need for improvements to our present onshore detention arrangements to create a more appropriate environment for people held in immigration detention facilities. A key finding of the onshore detention review was that Australia's standards of immigration detention accommodation and services must be aligned with our duty of care obligations.

The results of the onshore detention review are consistent with previous findings from the Palmer report, the Commonwealth Ombudsman and the Australian National Audit Office. The review recommends that several immigration detention facilities require urgent upgrades, including Villawood, Maribyrnong and Perth Immigration Detention Facilities (IDFs). The Northern IDF in Darwin requires an immediate expansion to accommodate increasing numbers of illegal foreign fishers to acceptable immigration detention standards. In Melbourne, Brisbane and Adelaide (the latter two where currently no other facilities exist), the review recommended that small-scale hostel style detention accommodation – Immigration Transit Accommodation Centres (ITACs) – be built for short-stay low flight-risk detainees awaiting visa processing, removal from Australia or transfer to another place of detention.

The review also found that there was a need to clearly define core operational principles for onshore detention arrangements, consistent with Australia's immigration detention policy. The following principles (endorsed by the Immigration Detention Advisory Group and the Detention Services Steering Committee) should form the basis of new operational procedures for the onshore detention network. The principles are:

1. immigration detention is mandatory 'administrative detention', it is not indefinite or correctional detention;
2. people in detention must be treated fairly and reasonably within the law;
3. detention service policies and practices are founded in the principle of duty of care;
4. families with children will be placed in facility-based detention only as a last resort;
5. people in facility-based detention are to be provided with timely access to quality accommodation, health, food and other necessary services;
6. people are detained for the shortest practicable time, especially in facility-based detention;
7. people are carefully and regularly case-managed as to where they are to be located in the detention services network and the services they require;
8. the assessment of risk factors underpins operational decision making; and
9. detention service operations are subject to continuous improvement and sound governance.

DIMA will ensure that these principles are applied by staff and reflected in operational procedures and practices. However, it is recognised that lawful actions by detainees themselves may impact on the capacity of DIMA to meet the desired outcomes inherent in some principles. For example, a

decision by a detainee to appeal their removal from Australia may result in an extension of their stay in facility-based detention.

The strategy

The onshore detention strategy will streamline existing onshore detention arrangements and improve the effectiveness and efficiency of operations. On the basis of a risk assessment, clients will generally be accommodated in centres in the state in which they were located, thus enabling them to better maintain family and community connections.

The strategy will provide a sound base for onshore detention for the foreseeable future including:

- provision of flexible arrangements, including accommodation and services, to meet the forecast demand for the next 10 years;
- provision of a wider range of immigration detention options – from large multi-purpose IDFs to smaller ITACs – to facilitate better case management of clients;
- accommodation to appropriate standards and improved access to health and other services to ensure that DIMA meets its duty of care obligations;
- the establishment of new client-focused principles that will guide the operation of the new onshore detention facilities; and
- streamlining existing detention arrangements to improve effectiveness and efficiency.

In order to respond to the Palmer report and provide improved immigration detention infrastructure and services, the strategy will involve:

- not proceeding with the Melbourne IDF at Broadmeadows (saving \$86 million over 4 years) and the Brisbane IDF (saving \$40 million over 4 years);
- a significant upgrade to the Villawood IDF by 2007-08 (costing \$67 million over 4 years), subject to further consideration of an alternative purpose-built facility at a 'greenfield' site;
- upgrades to the Maribyrnong IDF (costing \$2 million over 4 years) and Perth IDF (costing \$3 million over 4 years) to improve conditions and extend the operational life of the centres;
- expansion of the Northern IDF in Darwin to accommodate increased numbers of illegal foreign fishers (costing \$6 million over 4 years);
- new Immigration Transit Accommodation Centres (ITACs) for low flight risk detainees in Melbourne and Brisbane by 2007-08, and Adelaide by 2008-09 (costing \$24 million over 4 years);
- minor Baxter Plan upgrades to proceed, with the facility to be used as a contingency facility (subject to a review of detainee demand) in 2007-08 (costing \$5 million over 4 years); and
- returning Woomera and Singleton facilities to Defence (saving \$28.5 million over 10 years).

The future numbers of people to be held in onshore detention is difficult to predict with certainty as detainee populations and demographics are subject to rapid changes and external factors. Statistical modelling indicates that the number of detainees placed in detention facilities will steadily increase from around 8,000 in 2006-07 to over 9,000 in 2012-13. Compliance locations of visa overstayers and breaches are expected to increase in future years (to around 3,000 per annum) in line with projections of increasing numbers of travellers and short term visitors to Australia.

Apprehensions of illegal foreign fishers will be scaled up significantly to reflect the importance the Government places on the illegal foreign fishing issue. Additional funding of \$49.6 million will be provided for the provision of the associated detention and removal services such as accommodation, meals, detention services, health service costs and flight costs to repatriate the fishers to their home

countries. The Northern IDF in Darwin will become the primary immigration detention facility for the management of illegal foreign fishers, with Baxter IDF to be available as required for overflow capacity.

People refused immigration clearance at air or sea ports need to be detained for short periods. Most people who are refused immigration clearance are summarily removed quite quickly. However, some (around 700 in 2007-08 and over 900 in future years) will continue to need temporary accommodation in detention facilities (for 24 hours or more). It is intended to use the proposed new ITACs for this purpose.

It is proposed that ITACs would be similar in internal design to hostel design accommodation. Food services will be provided centrally with three meals served per day in a central dining room. Limited self-catering facilities will be available (i.e. tea, coffee and sandwich making). The Brisbane and Adelaide ITACs, which are new constructions, may also be designed on a clustered group housing model which can support improved levels of autonomy, placing a greater emphasis on self-catering and supporting cultural and social needs.

Some broad characteristics and standards of ITACs are:

- a high proportion of accommodation will be single rooms;
- some bedrooms will be suitable for couples;
- dormitories will only be used where culturally appropriate. A secure locker will be supplied for the use of each person and individual lighting will be provided;
- all bedrooms will provide adequate privacy and be lockable;
- television, telephones and private study/writing spaces will be provided;
- a selection of indoor and outdoor furniture will be provided to facilitate social interaction and privacy; and
- active recreation facilities will be provided and may include, table tennis, basketball, pool table or similar.

People detained in ITACs will generally be accommodated for only short periods up to 7 days, but with a high proportion around 2-5 days. The vast majority of persons detained in ITACs will be low risk detainees, but in limited cases (predominantly in Brisbane and Adelaide) they may be used as a transit point for higher risk detainees moving to other places of detention, such as Villawood IDF.

Further Review

DIMA will conduct, in the context of the 2008-09 Budget and as part of an intensified ongoing performance monitoring regime, an extensive on-site review of operations that will ensure the onshore detention strategy is delivering appropriate accommodation standards and services. The review will take into account any changes in onshore detention demand and the results of the new immigration compliance strategy and case management program.