



We advocate for the release of children from immigration detention and take the position that detention is never in the best interests of a child. Working together since 2012, we include 26 member organisations, representing around 170 staff, 1,100 volunteers and 150,000 supporters in all States and Territories in Australia.

Overview

The End Child Detention Coalition is working to ensure children are never placed in an immigration detention facility on Australian territory.

Immigration detention of children is an expensive policy that causes unnecessary suffering and harm. Detention has a profound impact on children's health and development.¹ Detained children experience high rates of depression, anxiety and post-traumatic stress disorder: insomnia, nightmares and withdrawal are common.² Children in detention often feel hopeless and dejected, leading a high proportion to self-harm and attempt suicide.³ Even very short periods of detention can undermine children's psychological and physical well-being and compromise cognitive development.⁴ The impacts can last a lifetime.⁵

Current practice

Due to sustained public concern, successive Australian governments have worked to reduce the number of children held in detention facilities by establishing alternative options. These well-established programs achieve government objectives while saving money and protecting children's health and wellbeing.

Alternatives are already being widely used. Less than 5 children are currently held in detention facilities out of the 3,011 children currently in Australia with unresolved migration status – that's only 0.1% of all cases currently in Australia.⁶

Further, community options are at least 60% cheaper than immigration detention. Significantly, previous Labor and Liberal Ministers for Immigration have stated that holding children in detention centres does not deter people smugglers or asylum seekers.⁷

¹ Mares, S., et al. (2002). "Seeking refuge, losing hope: Parents and children in immigration detention." *Australasian Psychiatry* **10**(2): 91-96; Rowcliffe, C., et al. (2016). "The impact of detention on children and adolescents." *Journal of Paediatrics and Child Health* **52**(9): 912-913.

² Mares, S. and J. Jureidini (2004). "Psychiatric assessment of children and families in immigration detention - Clinical, administrative and ethical issues." *Australian and New Zealand Journal of Public Health* **28**(6): 520-526.

³ Lorek, A., et al. (2009). "The mental and physical health difficulties of children held within a British immigration detention center: A pilot study." *Child Abuse & Neglect* **33**(9): 573-585.

⁴ Cleveland, J. (2013). "Psychological harm and the case for alternatives." *Forced Migration Review* (44): 7-8.

⁵ Dudley, M., et al. (2012). "Children and young people in immigration detention." *Current Opinion in Psychiatry* **25**(4): 285-292.

⁶ Department of Home Affairs (2018). *Immigration detention and community statistics: 31 July 2018*. Canberra: DHA.

⁷ Triggs, Gillian. 2014. "Keeping asylum seeker children in detention doesn't stop people smugglers - so why do we do it?" *The Sydney Morning Herald*, 8th October 2014. <http://www.smh.com.au/comment/human-rights-commission-keeping-asylum-seeker-children-in-detention-doesnt-stop-people-smugglers--so-why-do-it-20141007-10rcz3.html>.

The ask: Consolidating existing practice

We are asking Parliament to consolidate this well-established practice through legal reforms to ensure no child is held in an immigration detention facility on Australia territory in the future.

Specifically, we request an amendment to Section 197AB of the *Migration Act*, and other relevant regulations, to require the authorities to immediately make a ‘residence determination’ for all minors so that they live in ‘community detention’.

The requested changes:

- Consolidate a long-standing and well-tested policy and practice
- Uphold the existing legal framework
- Save \$408 per child per day⁸
- Include options to address identified risks when necessary
- Will not encourage new arrivals, because it deals with onshore cases
- Reduce costly litigation and compensation claims⁹
- Reduce unnecessary suffering of children
- Increases efficiency by diversifying decision-making responsibilities
- Strengthen Australia’s human rights record

The cost savings of using alternatives to immigration detention have already been demonstrated. The closure of over 15 immigration detention facilities have saved \$500 million since 2013 – that’s \$3.3 million per electorate.

What is community detention?

Under the *Migration Act*, the Minister for Immigration and Border Protection has a non-compellable, non-delegable public interest power to specify alternative residence arrangements for people in immigration detention. These ‘residence determination’ powers are commonly referred to as ‘community detention’. Community detention enables people to live in a community setting without being accompanied or restrained by an immigration officer. It is primarily used for unaccompanied minors, families, and for vulnerable people, such as those with a serious illness.

Persons released into community detention still have some restrictions on their movement and are not permitted to work. They must live at an address specified by the Minister for Immigration. They are also subject to curfews and other supervision and reporting arrangements. However, community detention mitigates many of the negative impacts of detention in a closed facility by allowing people to live in a more humane setting, in which they maintain a degree of independence and have greater access to support services.

As of 30 July 2018, there were 176 children living under these ‘Residence Determination’ arrangements in community detention.¹⁰ A further 2,835 children are living in the community on a Bridging Visa E.

⁸ See Appendix I.

⁹ The Australian Government has paid over \$100 million in compensation and costs in relation to immigration detention.

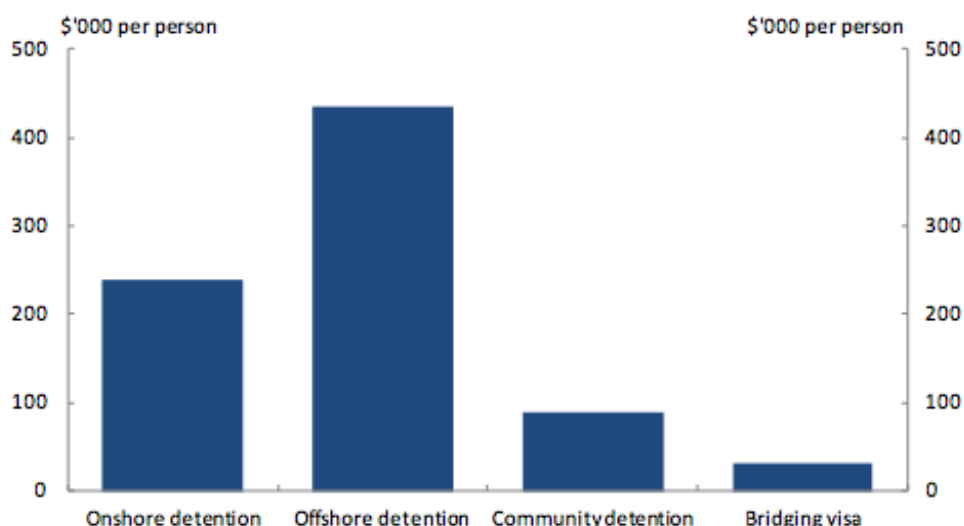
Appendix I - Evidence of cost savings

"So if I was to look at the onshore network: community detention is about half of what it would cost to hold someone in a detention centre within Australia, and to keep someone on a bridging visa in the community is probably about 20 per cent of what it might cost for someone held in detention."

Mr Martin Bowles PSM
Secretary of the Department of Immigration and Border Protection
Senate Legal and Constitutional Affairs Legislation Committee
25 February 2014

The National Commission of Audit found 'community detention' is 60% cheaper than immigration detention.¹¹ Data provided to the audit by the Department of Finance show that onshore detention cost \$655 per person per day, while 'community detention' cost \$247 per person per day. These data are represented in the chart below, which shows the average annual costs associated with different forms of immigration detention (onshore and offshore) and of alternatives (community detention and bridging visa).

Chart 10.14.1: Relative cost per person for 12 months in detention, 2013



Source: Department of Finance.

Source: National Commission of Audit (2014) *Towards Responsible Government: Appendix Volume 2* p.113

Community detention has consistently been estimated to be 60% cheaper than detention in a facility over many years in Australia. For example, in FY 2005/06, immigration detention cost \$339 per person per day, while community detention cost \$124 per person per day. This is also consistent with data from multiple governments around the world that shows immigration detention is significantly more expensive to operate than alternatives.¹²

¹⁰ DHA (2018) *Detention statistics: 31 July 2018*. Above n. 6.

¹¹ National Commission of Audit (2014) *Towards Responsible Government: Appendix Volume 2*. Canberra: Commonwealth of Australia p.113 http://www.ncoa.gov.au/report/docs/appendix_volume%202.pdf

¹² Edwards, A. (201). *Back to basics: The right to liberty and security of person and 'alternatives to detention' of asylum-seekers, stateless persons, and other migrants*. Geneva, UNHCR. <http://www.refworld.org/docid/4dc935fd2.html> ;

Sampson, R., et al. (2015). *There are alternatives: A handbook for preventing unnecessary immigration detention* (Revised). Melbourne, International Detention Coalition. <http://idcoalition.org/publication/there-are-alternatives-revised-edition/>