



Refugee Council of Australia

AUSTRALIA'S DETENTION OF CHILDREN: ALTERNATIVES ALREADY EXIST

October 2014: Australia detains 726 children indefinitely

The Australian Government was detaining 726 children in locked immigration detention facilities as at 31 October – 451 on the Australian mainland, 108 on Christmas Island and 167 on Nauru.¹ Nearly all of these children have been detained for more than six months and many for more than a year. The current average length of detention in Australia for adults and children is 426 days.

October 2014: UK detains 7 children and for a maximum of seven days

Australia's long-standing policy of indefinite mandatory detention is not replicated in other countries. In the United Kingdom, asylum seekers without prior visas typically are screened and released quickly into community arrangements while their status is determined. Immigration detention is more likely to be applied in the UK when people are facing removal after an unsuccessful asylum or visa application. In 2010, the Coalition Government of Conservative Prime Minister David Cameron committed itself to ending the detention of children. UK Home Office statistics show that in the month of October 2014 just seven children were held in detention for more than 24 hours.² The maximum length of detention for children in the UK is 72 hours. With ministerial approval, it can be extended to seven days.

Development of alternatives to detention in Australia

In 2005, the Howard Government introduced community detention arrangements to provide an alternative to the detention of children and families. In 2008, the Rudd Government declared that detention was "only to be used as a last resort and for the shortest practicable time" and the mandatory detention of asylum seekers would be restricted to conducting initial health, identity and security checks. In 2011, in response to the large numbers of asylum seekers in detention, the Gillard Government began to move people out of detention and on to Bridging Visas in the community.³

The Government already has the policies it needs to move children quickly out of detention in Australia:

- Policies which allow detention to be restricted to initial health, identity and security screening.
- A community detention system which allows vulnerable asylum seekers to live in the community under supervised arrangements determined by the Immigration Minister.
- Release into the community on Bridging Visas for asylum seekers for whom community detention is not necessary.

What is missing is a system of community release or community detention for asylum seekers sent to Nauru. A model based on Australian policies – or even a system of free movement in and out of the current detention centre as an interim measure – could be developed with sufficient political will.

The unanswered question: Why are children still being detained for so long?

Most asylum seeker children subject to mandatory detention are already living in community arrangements – 1,623 children in community detention and 2,071 on Bridging Visas as of 31 October 2014. If 84% of asylum seeker children subject to the mandatory detention policy have been released, **why are the other 16% (726 children) still detained and detained for so long?**

28 November 2014

¹ Department of Immigration and Border Protection, *Immigration Detention and Community Statistics Summary*, 31 October 2014 -

<http://www.immi.gov.au/About/Documents/detention/immigration-detention-statistics-oct2014.pdf>

² UK Home Office, *Children entering detention under Immigration Act powers*, October 2014 -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/379065/children-detention-oct2014.ods

³ Phillips, J. and Spinks, H., *Immigration detention in Australia*, Australian Parliamentary Library -

http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/Detention#_Toc351535445

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