

## **DIMA response to the Ombudsman's *Report into Referred Immigration Cases: Children in Detention***

The department agrees with the report's recommendations, and many relevant measures have already been implemented.

The department has introduced reforms to its compliance, detention and removal processes that reflect the commitment to detain children only as a last resort. Since implementation of the government's reforms in mid-2005, there have been no children residing in immigration detention centres.

Major improvements have been made to staff understanding regarding the assessment of the status of children, including with reference to Australian citizenship legislative provisions. For example, the College of Immigration now includes training on:

- the key provisions of the Citizenship Act;
- the implications of those provisions for exercising powers under the Migration Act, including reasonable suspicion and the power to detain; and
- record keeping improvements, including timely recording of information in appropriate systems.

The content of training packages will be reviewed as part of the continuous improvement cycle. Specific advice is also provided to compliance officers on the issuing, use and maintenance of compliance notebooks. More broadly, good record-keeping practices are also being incorporated into the design of the department's new information environment, *Systems for People*.

Training is supported by new procedural guidelines. For example, *Procedures for Detaining Non-Citizens* (due for release December 2006) will recommend that children should be assessed on an individual basis, and that assumptions not be made that they have the same immigration status as their parents and siblings. It will also provide advice about assessing a child's immigration status and citizenship from primary documents. Out in the field, officers will be required to use pre-interview checklists, which include a focus on identity and citizenship. New guidelines also require that children held in the community under residence determination or residential housing arrangements do not incur detention debts. DIMA confirms that no debts are currently levied against any of the children referenced in this report.

To ensure the proper welfare of children in residence determination or other community arrangements, DIMA is reviewing its MOUs with State government departments regarding the welfare and management of children. These MOUs, and further ones to be signed with the States, will reflect recent legislative and policy changes, and will be included in the department's forthcoming Detention Services Manual.

DIMA agrees to develop a guide on dealing with children. It will link all relevant policy and procedural material to reflect the importance of:

- the individual circumstances of a child (such as unaccompanied minors);
- the contextual environments of children, including family and other dynamics;
- the 'best interests' and welfare of a child; and
- the department's need to detain only as a measure of 'last resort'.

The consolidated guide will be consistent with DIMA's *Onshore Compliance Programme Plan*, which supports the case management of clients, particularly vulnerable clients such as children.