



**Australian Government**  
**Department of Immigration and Multicultural Affairs**

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**SECRETARY**

29 November 2006

Prof. John McMillan  
Immigration Ombudsman  
GPO Box 442  
Canberra ACT 2601

Dear Prof. McMillan

Thank you for providing me with your draft *Report into Referred Immigration Cases: Children in Detention*. The issues you raise are important, and I agree with your recommendations.

My department has taken significant steps to ensure that its detention policies and practices are founded on principles of fairness, reasonableness and a duty of care. Children are especially vulnerable, and my department is committed to ensuring that all reasonable alternatives are explored before any decision is made to detain a child. This principle is informed by amendments that were made to the Migration Act in 2005. My department is also committed to ensuring that the immigration status of every individual is assessed with regard to their particular circumstances. This includes children, especially those who may be eligible for citizenship. To this end, College of Immigration training is currently provided to compliance officers on key aspects of Australian citizenship law.

As part of reforms to detention, arrangements have also been established that are more appropriate for families with children. These include:

- community-based residential determination arrangements which allow families to live in the community without restraint;
- additional support, arranged through Non-Government Organisations, to ensure that families in community residential settings have access to necessary services and social networks; and
- provision of Residential Housing in Sydney, Perth and Port Augusta suitable for families for the first couple of weeks after arrival, and before community-based options can be put in place.

I consider the welfare of children under the care of the department to be a priority. To ensure that this is reflected in all immigration practices, agreements have been negotiated with

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government agencies in a number of states to facilitate the proper management and protection of children in the department's care.

As your report observes, my department is making notable progress in achieving its reform goals. We will continue in our efforts to achieve these goals through monitoring our performance and building in continual improvements.

Yours sincerely

Signed by Andrew Metcalfe

(Andrew Metcalfe)