



**THE HON ALEX HAWKE MP  
MINISTER FOR IMMIGRATION, CITIZENSHIP,  
MIGRANT SERVICES AND MULTICULTURAL AFFAIRS**

Ref No: MC20-040618

Mr Peter Carroll FMS  
President  
Catholic Religious Australia  
PO Box 1518  
NORTH SYDNEY NSW 2059

Dear Mr Carroll

Thank you for your correspondence of 22 December 2020 concerning the release of asylum seekers and COVID-19 in immigration detention facilities (IDFs). Your correspondence has been referred to me as the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs as the matter falls within my portfolio responsibilities.

Mandatory immigration detention is a necessary part of managing the status of unlawful non-citizens – these are people who do not have permission to arrive or stay in Australia. Immigration detention is an essential component of strong border control. Immigration detention is only to be used as a last resort and for the shortest practicable time. An objective of the Department of Home Affairs and the Australian Border Force (ABF) is to facilitate timely status resolution outcomes for non-citizens in a manner that is compliant with legislation and Australian Government policy.

Under the *Migration Act 1958*, detention is not limited by a set timeframe; rather, it ends when the person is either granted a visa or is removed from Australia. This is dependent upon a number of factors, including identity determination, developments in country information and the complexity of processing due to individual circumstances relating to health, character or security matters. These assessments are completed as expeditiously as possible to facilitate the shortest possible timeframe for detaining people in IDFs.

The lengths and conditions of immigration detention, including the appropriateness of both the accommodation and services provided, are subject to regular review by senior officers of the Department, the Commonwealth Ombudsman and the Australian Human Rights Commission. These reviews consider the lawfulness and appropriateness of a person's detention; their detention arrangements and placement; health and welfare; and other matters relevant to their ongoing detention and resolution of their immigration status.

Australia takes its international obligations seriously and provides protection to individuals consistent with all international human rights conventions to which it is a party. Australia is one of the world's most generous contributors to international refugee resettlement efforts, successfully settling more than 900,000 refugees and others in humanitarian need since the end of the Second World War.

Australia is also one of only a small number of countries that operate well-established and successful resettlement programs and is consistently ranked within the world's top three resettlement countries.

In regards to the risk posed by COVID-19 in IDFs, I can assure you the Government is committed to protecting the health and safety of all detainees and staff during the COVID-19 pandemic. The ABF and service providers remain focused on preventing the entry of COVID-19 into all detention facilities, and continue to follow the advice of the Department of Health and other health officials.

On 7 December 2020, the ABF resumed a phased COVID-safe in-person visits program to IDFs. The first phase recommenced with non-contact personal visits from family, friends and visitors providing spiritual care, and limited to one visitor per detainee. The second phase will see those visitors that provide spiritual care to larger groups of detainees through organised programs and activities. The visit program and phased approach has been messaged to all detainees.

Further details and regular updates on the visits program are available on the ABF's website at: <https://www.abf.gov.au/about-us/what-we-do/border-protection/immigration-detention/visit-detention>.

Dependent on the COVID-19 environment, the ABF hopes to resume most programs and activities, including offsite visits, in early 2021. Regardless, the COVID-19 pandemic has seen new initiatives being introduced, such as using Zoom for leading spiritual worship and cultural activities.

The Department takes its duty of care seriously and ensures that all people in immigration detention have access to health care services which are comparable to those available to the Australian community, under the Australian public health system.

The Department's Health Service Provider, International Health and Medical Services (IHMS), provides primary health care to persons in held immigration detention, including transitory persons in Alternative Places of Detention. Services are provided at onsite clinics by general practitioners, mental health nurses, psychologists, counsellors and psychiatrists, including those specialising in torture and trauma counselling services.

Any services that cannot be provided by IHMS are facilitated through referrals to offsite providers in the community such as specialists or hospitals. Health care services for detainees are generally commensurate with those available to the Australian community, under the Australian public health system, and as clinically indicated and with the person's consent. Detention service provider staff have access to an after-hours nurse-led telephone service. A video conferencing capability can be included to enable visual review by a nurse, if required.

The Department works closely with its service providers to manage the welfare of families in immigration detention settings through a range of care, welfare and support arrangements that provide for their health, education, recreational and cultural needs.

I have written in similar terms to the National Executive Director of Catholic Religious Australia, Ms Anne Walker.

Thank you for raising this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Alex Hawke', with a long horizontal flourish extending to the right.

ALEX HAWKE

23 / 2 / 2021