



Unclassified

Placements and Transfers

Policy Statement

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1. Purpose

This policy statement provides high level guiding principles for the requirements and standards concerning the placement or transfer of detainees when being moved between immigration detention facilities (IDFs), or being released into the community.

2. Scope

2.1. In Scope

This policy statement applies to detainees in immigration detention (Status Resolution Support Services Bands (SRSS) 1-3), contracted service providers and departmental staff in regards to the continuity of care requirements and the transfer of associated medical records between IDFs.

2.2. Out of Scope

This policy statement does not apply to individuals who reside in the community on a valid visa, including those who have access to medical services through Medicare (SRSS Bands 4-6) and also those being removed from Australia.

3. Policy Statement

Accurate assessment and appropriate transfer placement of detainees within the held detention network improves detainee safety and welfare, helps Australia meet its international human rights obligations towards detainees, minimises disruption within the network and reduces operating costs.

The Department of Home Affairs (the Department) takes reasonable steps to facilitate continuity of health care for detainees, including at points of transfer between and discharge from IDFs and at removal. In making placement and transfer decisions, medical needs and family and community links are carefully considered. Placement or transfer decisions take into consideration the current personal circumstances and health and wellbeing of the detainee. The standards governing these considerations include:

- physical, cognitive and mental health needs and concerns
- the detainee's needs, including age, length of detention, family connections, status resolution considerations, vulnerabilities and fitness to travel
- available services and facilities at the receiving facility
- communicable or chronic condition under active treatment
- the risk profile of the detainee
- the risk profile of the receiving facility
- enrolment in rehabilitation or counselling services

Appropriate placement decisions rely on a thorough assessment of the risks associated with the individual detainees, the risks to other detainee, departmental staff and contractors, the risks to the safety and good order within the facility, and risks to the facility itself.

Placement decisions will also take into account welfare issues such as maintaining family unity, recognising community links, health and welfare needs, child safeguarding and child wellbeing considerations and pending and extant marriages.

For further information, please refer to the *Placements and Transfers* Procedural Instruction (DM-5927).

4. Accountability and Responsibility

Role	Description
ABF Detention Placement Section s. 47E(d)	Responsible for assessing individuals for placement within the held immigration detention network and for transfers between immigration detention facilities.
Detention Health Operations Section s. 47E(d)	<p>This section is responsible for the following functions:</p> <ul style="list-style-type: none"> operational and clinical liaison between the Department/ABF and the contracted detention health services provider, International Health and Medical Services (IHMS) all health matters relating to detainees, including general and detainee-specific service provision, clinic facilities and operations operational support and coordination for health matters within the immigration detention network, in concert with IHMS, including: health information and advice to support high profile detainee apprehensions, transfers across the onshore network and to regional processing countries, and removals health information and advice to support the Complex Case Management of detainees, including behavioural, mental health, self-harm and communicable disease concerns; Oversight and health management of specific detainees with medical conditions of concern, including those identified by IHMS and/or through Situation Reports (SitReps). reporting and strategic advice on detention and transferee health issues across the immigration detention network, including the management of detainees with high profile communicable diseases, including tuberculosis.
Detention Health Policy and Assurance Section s. 47E(d)	The Health Policy Section is responsible for setting strategic health policy and developing operational guidance to support the immigration program and health services in immigration detention. This involves timely and accurate advice, and the development of new policy that is underpinned by quality research, analysis, contextual awareness and stakeholder consultation across the ABF and the Department.

5. Version Control

Version number	Date of issue	Author(s)	Brief description of change
0.1		s. 22(1)(a)(ii)	Draft of new document

Attachment A – Definitions

Term	Acronym (if applicable)	Definition
Child		For the purposes of this framework, 'child' refers to anyone under the age of 18, consistent with the UN <i>Convention on the Rights of the Child</i> (CRC) as well as the Commonwealth <i>Family Law Act 1975</i> . (Noting state/territory jurisdictions may adopt different definitions of 'child' ¹ .)
Child safeguarding		This relates to the actions that the Department takes to promote the safety and wellbeing of children in its care, and to protect them from harm.
Child wellbeing		<p>Wellbeing is the ability for a child to realise his or her own potential or self-agency, to better cope with the normal stresses of life, to live and learn productively and to be an active part of a community.</p> <p>Child wellbeing affects the immediate and future lives of children. A focus on wellbeing assists with prevention of abuse and encourages the development of healthier children, families and communities. The wellbeing of children relates to their ability to:</p> <ul style="list-style-type: none"> • receive care from parents or primary caregivers • participate in the norms of the society within which they live • participate and achieve in compulsory education • develop physical, intellectually, emotionally and socially • enjoy good physical and mental health • achieve age-appropriate relationships with peers and adults, and • access and exercise their rights as a child.
Detain		<p>Has the same meaning as in subsection 5(1) of the <i>Migration Act 1958</i> (the Act):</p> <ul style="list-style-type: none"> • taken into immigration detention • keep or cause to be kept, in immigration detention <p>and includes taking such action and using such force as are reasonably necessary to do so.</p> <p>Note: This definition extends to persons covered by residence determinations (see section 197AC of the Act).</p>
Detainee(s)		<p>Reg 5.35(1) means a person held at a detention centre in detention under the Act.</p> <p>(Act, s5(1) means a person detained.</p>
Continuity of Care		Is defined by the Australian Medical Association as "the transfer of professional responsibility and accountability for some or all aspects of a patient's or a group of patients' care to another person or professional group on a temporary or permanent basis".

¹ For example, in NSW, a 'child' is defined as a person under the age of 16, and a 'young person' means a person who is aged 16 years or above but who is under the age of 18 years (s3 *Children and Young Persons (Care and Protection) Act 1998*). In Victoria, a 'child' is defined as a person under the age of 17 (s3 *Children, Youth and Families Act 2005*). In the ACT, a 'child' means a person under the age of 12, and a 'young person' means a person who is 12 years old or older but not yet an adult (s2 *Children and Young People Act 2008*).

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Term	Acronym (if applicable)	Definition
Facilities and Detainee Service Provider	FDSP	An organisation contracted by the Department to manage operational and general welfare aspects of immigration detention facilities.
Fit To Travel	FTT	An outcome of the Fitness to Travel Assessment allowing a person to travel from one destination to another by, primarily air.
Fitness to Travel Assessment	FTTA	An assessment by a health professional that allows a determination for someone in custody to travel, primarily on an aircraft with or without support.
Health Discharge Summary	HDS	A form documenting the Health Discharge Assessment, which summarises the health status of a detainee. The HDS promotes continuity of care, provides health information to future health professionals who will provide medical care to the detainee.
Health Services Provider	HSP	Contracted by the Department to provide health care services to detainees onshore.
Immigration Detention		<p>Has the same meaning as in subsection 5(1) of the <i>Migration Act 1958</i> (the Act); means</p> <ul style="list-style-type: none"> • being in the company of, and restrained by: <ul style="list-style-type: none"> ○ an officer ○ in relation to a particular detainee – another person directed by the Secretary or the Australian Border Force (ABF) Commissioner to accompany and restrain the detainee • being held by, or on behalf of, an officer: <ul style="list-style-type: none"> ○ in a detention centre established under this Act ○ in a prison or remand centre of the Commonwealth, a State or a Territory ○ in a police station or watch house ○ in relation to a non-citizen who is prevented, under section 249, from leaving a vessel – on that vessel ○ in another place approved by the Minister in writing; • but does not include being restrained as described in subsection 245F(8A). or being dealt with under paragraph 245F(9)(b). <p>Note 1: Subsection 198AD (11) provides that being dealt with under subsection 198AD (3) does not amount to immigration detention.</p> <p>Note 2: This definition extends to persons covered by residence determinations (see section 197AC) or community detention (see sections 197AB – 197AC) of the Act.</p>

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Term	Acronym (if applicable)	Definition
Immigration Detention Facility	IDF	<p>As defined under subsection 5(1) of the Act, the following places of immigration detention are IDFs:</p> <ul style="list-style-type: none"> • an Immigration Detention Centre (IDC) as established under section 273 of the Act; • an Alternative Place of Detention (APOD) which is a place of immigration detention other than an IDC or place specified in a residence determination (also known as Community Detention), as approved by the Minister in writing under subparagraph 5(1)(b)(v) of the Act. APODs are used by the Department to meet the specific needs of persons in immigration detention that cannot be adequately catered for in an IDC; • Immigration Transit Accommodation (ITA) which is temporary accommodation to house people who are spending a short time in immigration detention and who are a low security risk, before they are transferred or removed; <p>Immigration Residential Housing (IRH), including a Residential Precinct, which is Immigration Detention accommodation in the form of houses, usually for women, children and families who are of low flight and security risk.</p>
Placement		An assessment reviewing the person's ongoing healthcare needs and the suitability of the suggested receiving site or location to cater for these needs.
Transfer		Process whereby a detainee is moved from an immigration detention facility to another, with a required clinical handover in care.

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Attachment B – Related Framework Documents

- DM-5927 – Placements and Transfers Procedural Instruction
- s. 22(1)(a)(ii)
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Attachment C – References and Legislation

- *Migration Act 1958*
- *Australian Border Force Act 2015*
- *National Health Act 1953*
- *Work Health and Safety Act 2011*
- *Immigration (Guardianship of children)(IGOC) Act 1946 (Cth)*

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Attachment D – Consultation

1.1. Internal Consultation

- Detention Health Operations Section
- Onshore Health Contracts Section
- Onshore Contracts Section
- Detention Policy Section
- Detention Operations Section
- Privacy Section
- Child Wellbeing Operations Section
- Employee Mental Health Wellbeing Section
- Integrity Strategy and Policy Section
- Work, Health and Safety Section

1.2. External Consultation

- IHMS
- Serco