

Submission

For decision PDMS Ref. Number MS19-000735

To

Minister for Immigration, Citizenship and Multicultural Affairs

Subject

Management of transitory persons under the Miscellaneous

Measures Act

Timing

As soon as possible.

Recommendations

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That you:

- 1. agree that Christmas Island will be the primary management location for transitory persons from regional processing countries in Australia for a temporary purpose;
- 2. agree that all three Christmas Island immigration detention facilities (North West Point, Construction Camp and Phosphate Hill) will operate as a closed centre and transitory persons will not be permitted to freely move around Christmas Island:

s. 47E(d)

- 4. agree to triage individuals based on clinical need prior to their departure from their regional processing country and that where health services are not available on Christmas Island to manage a transitory persons clinical needs, their health needs will be addressed in mainland locations, and that during this time they will be managed in held detention or alternative places of detention;
- 5. agree that once a transitory persons mainland-based initial medical treatment is complete, they will be transferred to Christmas Island, pending resettlement, return or removal from Australia; and



agreed / not agreed





Released by the Department of Information Act 1982

 note that the transfer of transitory persons to the mainland will place additional pressures on the mainland immigration detention network and that detainees in the mainland network may need to be transferred to Christmas Island.



Minister for Immigration, Citizenship and Multicultural Affairs

Signature.....

Date://///////2019

	Minister's Comments								
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Transfer process - clinical triaging and placement decisions

7. s. 22(1)(a)(ii) s. 22(1)(a)(ii)

- 8. The Department will undertake clinical triaging for relevant transitory persons prior to their departure to Australia, using information received from the recommending medical practitioner. If an individual is transferred on medical grounds, the application will identify the treatment or assessment required, which will guide the most appropriate location for treatment.
 - Primary consideration will be given to medical treatment on Christmas Island. To support that policy setting, health services are being bolstered.
 - Where a transitory person requires complex or tertiary hospital care not available on

Where a transitory person requires complex or tertiary hospital care not available on Christmas Island, they would be initially transferred to an appropriate mainland health facility.
 The Panel may see fit to recommend certain locations for medical treatment or assessment in its advice to you. While the Panel's recommendation to transfer is binding on you, a Panel recommendation for treatment or assessment in a specific location would be discretionary only.
 Until the health-related logistical issues can be rectified, and the full suite of advanced health capabilities arrives on Christmas Island, there is an increased risk that transitory persons requiring more complex tertiary treatment, including mental health support, may need to be transferred to the mainland for medical intervention.

- 11. Transitory person receiving medical treatment in Australia will be managed in alternative places of detention or under held detention arrangements. They will be transferred to Christmas Island at the conclusion of their mainland medical treatment.
- 12. Many transitory persons may be transferred under the provisions of the family unit or as support persons. In these cases, individuals should be located together and close to the relevant transitory person undergoing medical treatment, even though they may not have similar medical needs.

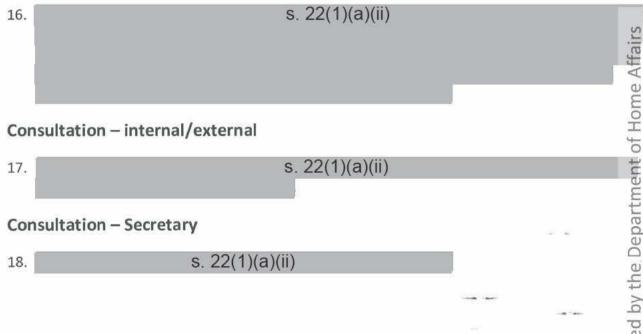
Readiness of Christmas Island to receive transitory persons

- 13. The Christmas Island immigration detention facilities are operationally ready to accommodate up to 250 transitory persons. Operations are being increased to bring to facilities up to full service, which is expected to be ready in late March 2019.
- 14. Initially all transitory persons, including non-refugees and transitory persons with known character and security issues, will be accommodated at North West Point Immigration Detention Centre, a high-security facility. This centre can be configured to cater for mixed populations of men and women of any risk rating, however is not recommended for family units. Construction Camp and Phosphate Hill will be used to cater for this cohort.

Management of the onshore immigration detention network detainee population

15. The onshore immigration detention network is operating well beyond the funded operational capacity of 1000 places, with 1275 detainees currently in held detention (at 27 February 2019). Further consideration will be given to the placement of detainees currently accommodated in held detention to determine whether they could be moved into residence determination or into the community on a Bridging visa. Movement of a number of detainees to Christmas Island from the non-transitory person caseload may also be required.

Background



Client service implications

19. Movement of the transitory person caseload to Australia would create unprecedented pressure on the onshore immigration detention network, which is already operating beyond the 1,000 person capacity of the network (not accounting for contingency capacity created by re-opening Christmas Island facilities).

S. 22(1)(a)(ii)

Sensitivities



Financial/systems/legislation/deregulation/media implications

s. 22(1)(a)(ii)

Attachments

23. Nil.

Authorising Officer

Cleared by:

Marc Ablong
Deputy Secretary Policy Group

Date:1 March 2019

S. 22(1)(a)(ii)

Contact Officers

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Alana Sullivan, Senior Assistant Secretary Regional Processing Taskforce, Ph. s. 22(1)(a)(ii)

Through Cheryl-anne Moy, Chief Operating Officer, Ph: s. 22(1)(a)(ii)

Mandy Newton Deputy Commissioner Operations, Ph: s. 22(1)(a)(ii)

CC Secretary

ABF Commissioner

Deputy Secretary Executive Deputy Commissioner Support

Acting Deputy Secretary Visa and Citizenship Services

Commander Joint Agency Taskforce

Chief Finance Officer General Counsel



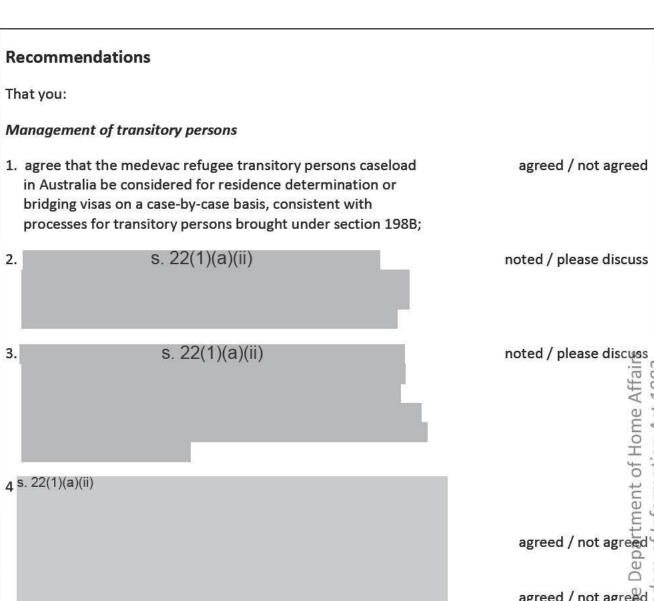
Submission

For decision

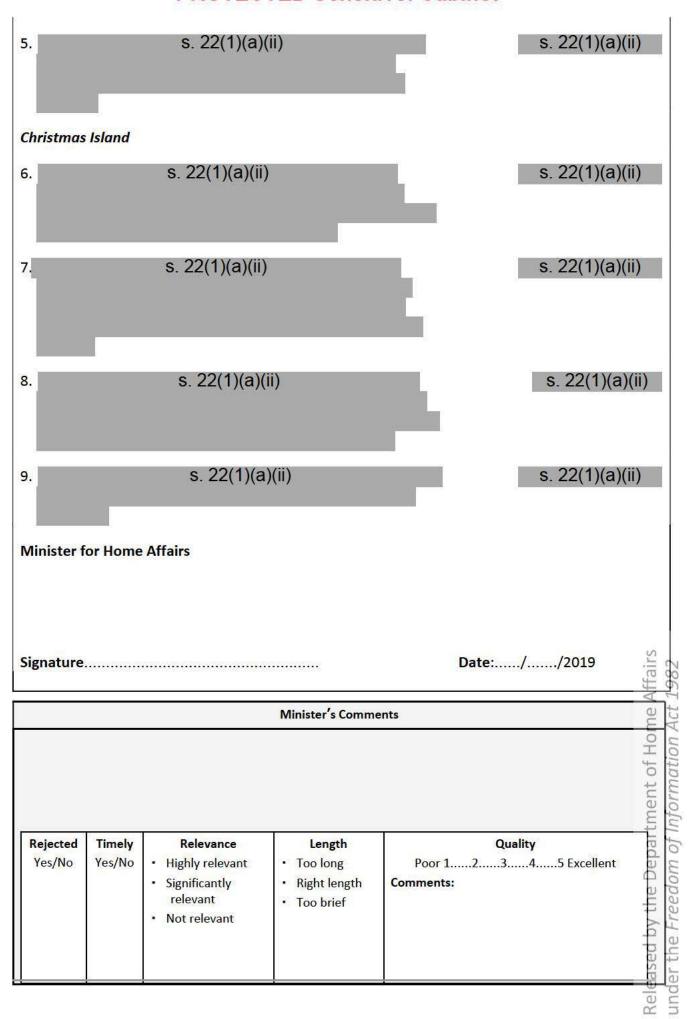
PDMS Ref. Number MS19-004042

Date of Clearance:

То	Minister for Home Affairs				
Subject	Management of transitory persons temporarily in Australia and related issues				
Timing	s. 22(1)(a)(ii)				



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Key Issues

1. This submission seeks your direction on the ongoing management of transitory persons in Australia, following passage of the Migration Amendment (Repairing Medical Transfers) Act 2019 (Repairing Act), which repealed the medevac legislation. s. 22(1)(a)(ii)

Impact of the repeal and capacity pressures on immigration detention network

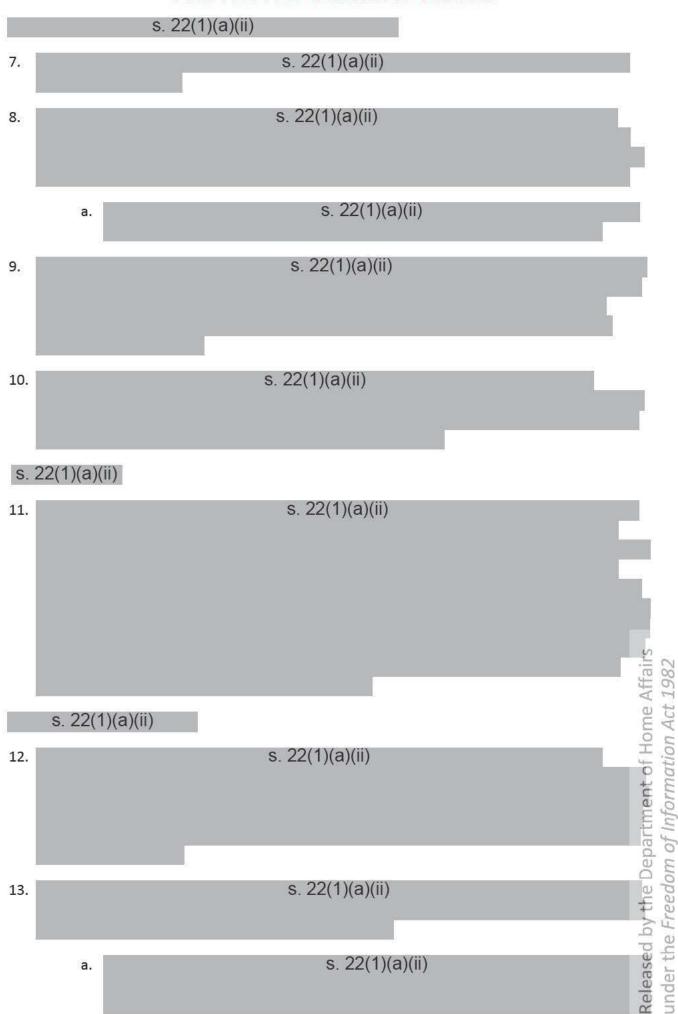
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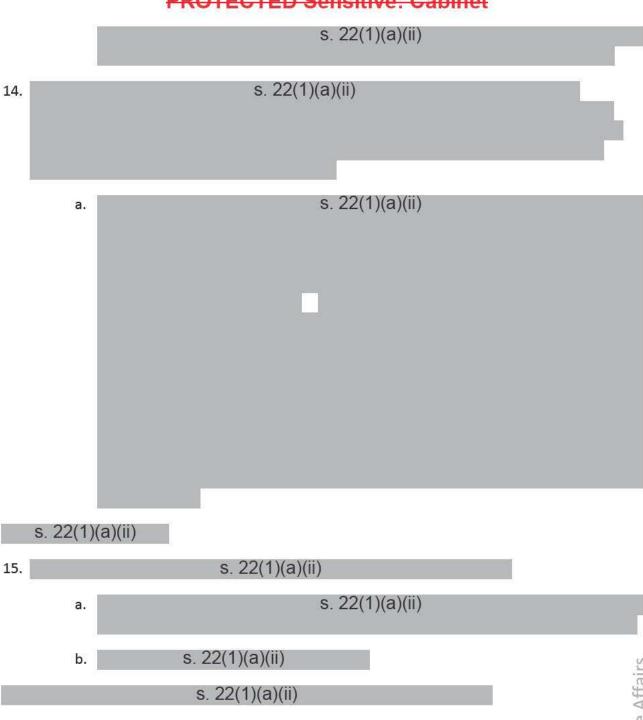
- 3. Consistent with current policy settings, all transitory persons brought to Australia under the medevac provisions are managed in detention, including alternative places of detention (APOD).
- 4. As at 9 December 2019, the immigration detention network held 1,423 persons, 423 over the funded capacity of 1,000 beds. While the network was supplemented by 250 beds for transitory persons at Christmas Island Immigration Detention Facilities until the repeal of the medevac provisions, this capacity was not enlivened for the transitory persons caseload and currently services four (4) non-transitory person detainees only. The network cannot provide any additional capacity for further medical transfers from regional processing countries without continuing to increase the use of alternative places of detention (APODs) or transferring non-transitory person detainees to Christmas Island.
- 5. Transitory persons in APODs are becoming more challenging to manage, noting these arrangements are usually used for short periods only and capacity issues are increasing the risk profile. It is also being increasingly difficult to source new APODs, with limited available options. This placement approach is expensive and not sustainable long term.
 - a. Placement of transitory persons in APODs has become necessary due to current
- y persons in APODs are becoming more challenging to manage, noting these tents are usually used for short periods only and capacity issues are increasing the e. It is also being increasingly difficult to source new APODs, with limited available This placement approach is expensive and not sustainable long term.

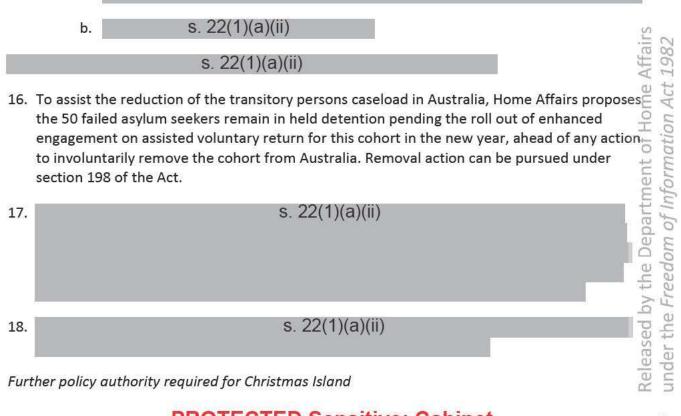
 Placement of transitory persons in APODs has become necessary due to current capacity pressures within held detention facilities and the inability to segregate this cohort from higher-risk detainees.

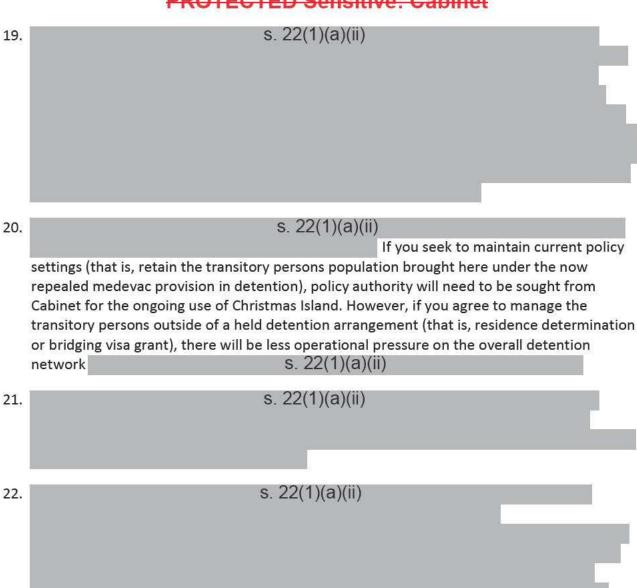
 Tairs and the Australian Border Force (ABF) seek your agreement to adjust current or transitory persons transferred under medevac to allow for residence ation, or bridging visa placement, on a case-by-case approach. This action would afforts to alleviate capacity pressures on the immigration detention network. This could result in the release of approximately 135 transitory persons from held in, noting transitory persons with derogatory holdings and failed asylum seekers main in held detention.

 Residence determination and bridging visa consideration would be progressed. 6. Home Affairs and the Australian Border Force (ABF) seek your agreement to adjust current settings for transitory persons transferred under medevac to allow for residence determination, or bridging visa placement, on a case-by-case approach. This action would support efforts to alleviate capacity pressures on the immigration detention network. This approach could result in the release of approximately 135 transitory persons from held detention, noting transitory persons with derogatory holdings and failed asylum seekers would remain in held detention.
 - a. Residence determination and bridging visa consideration would be progressed through the Assistant Customs, Community Safety and Multicultural Affairs in line with Ministerial Intervention guidelines.

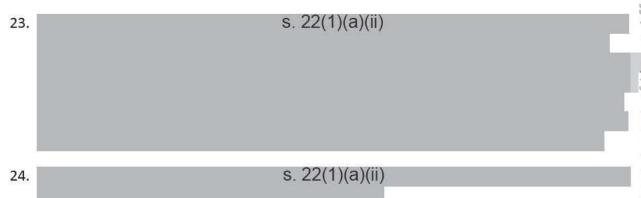




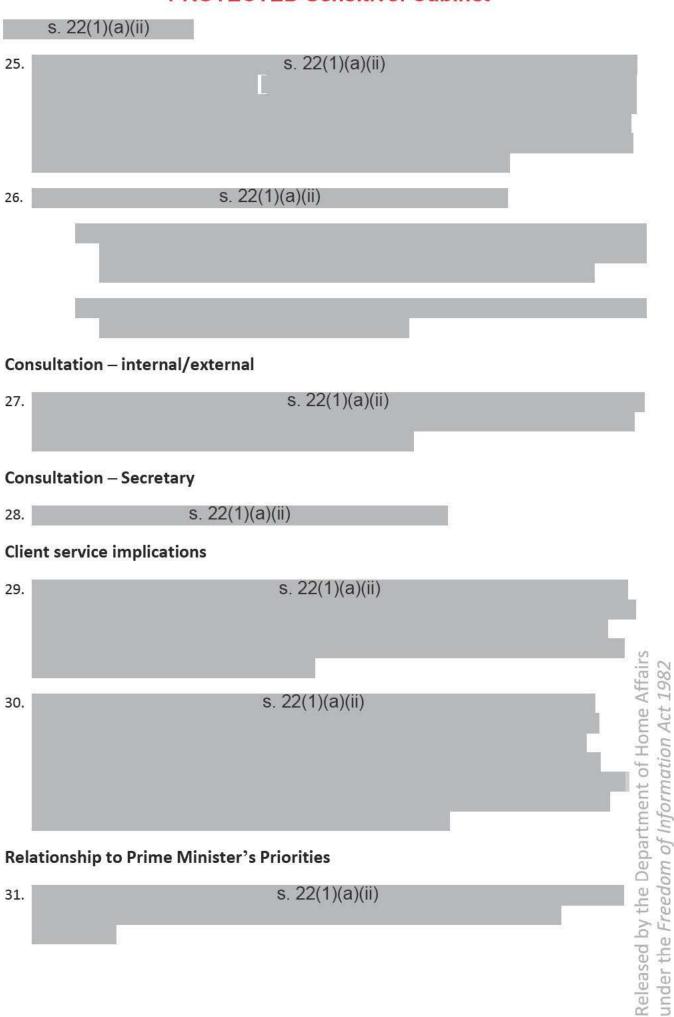




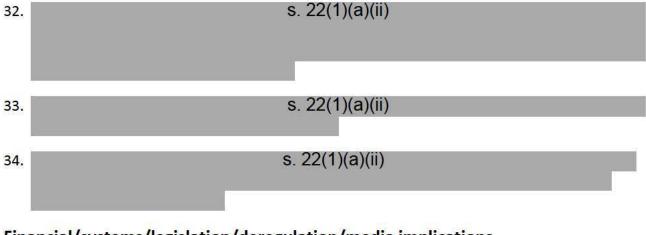
Background



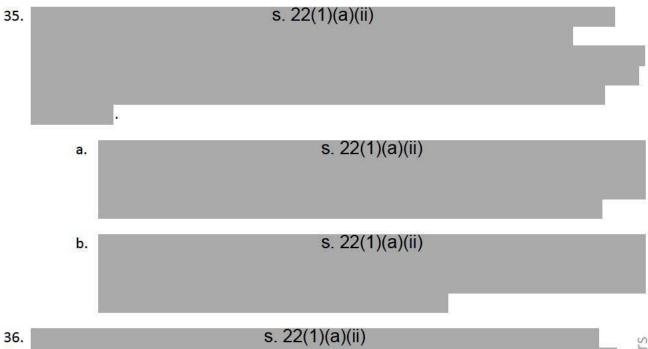
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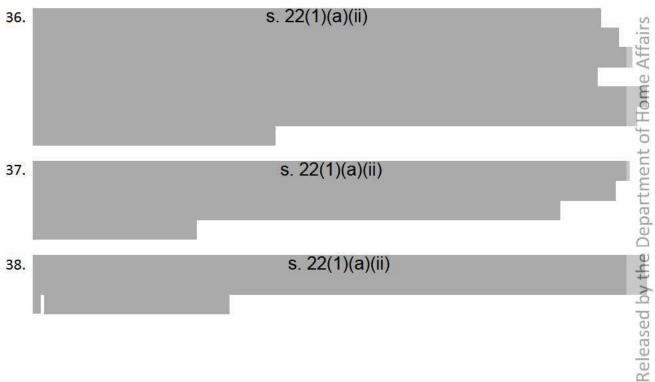


Sensitivities



Financial/systems/legislation/deregulation/media implications





Attachments

<u>Attachment A</u> Letter to Prime Minister seeking policy authority

Authorising Officer

Cleared by:

Major General Craig Furini Commander Joint Agency Task Force Operation Sovereign Borders

Date: December 2019

s. 22(1)(a)(ii)

Date: December 2019

s. 22(1)(a)(ii)

Contact Officers

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CC Secretary

Commissioner

Deputy Secretary Policy

Deputy Secretary Immigration and Settlement Services

Chief Operating Officer

Deputy Commissioner Operations Deputy Commissioner Support Acting Chief Finance Officer Acting General Counsel