



Australian Government  
Department of Home Affairs

## Submission

For decision

PDMS Ref. Number: MS23-002600

Date of Clearance: 4/01/2024

**To** Minister for Immigration, Citizenship and Multicultural Affairs

**Subject** Enhanced Status Resolution Support Services for NZYQ-affected and BVR cohort

**Timing** *For consideration by 12 January 2024 to enable full implementation of the enhanced program*

### Recommendations

That you:

1. **agree** to enhanced Status Resolution Support Services for the NZYQ-affected and new Bridging (Removal Pending) visa (BVR) cohort to support their adjustment into the community and connection with rehabilitation services to mitigate community safety risks, under the following parameters:
  - a. clinical assessment to determine need and requirement and inform referrals;
  - b. promotion of offender and rehabilitation programs;
  - c. support for up to 12 months; and
  - d. bond assistance.

agreed / not agreed

Minister for Immigration, Citizenship and Multicultural Affairs

Signature.....

Date: 11/1/2024

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| Minister's Comments |
|---------------------|
|                     |

## Key Issues

1. The High Court decision in *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor* on 8 November 2023 (the 'NZYQ decision') resulted in the immediate release from immigration detention of the plaintiff and subsequent release of approximately 150 individuals whose circumstances are determined to fall into the scope of the NZYQ decision. As you are acutely aware, the released cohort contains many individuals with serious and violent offending history, and significant mental health and physical health issues. This cohort requires additional support to adjust and comply with their new visa conditions, life in the Australian community and support to mitigate the risks of recidivism.
2. Individuals released on a Bridging (Removal Pending) visa (BVR) are bound by strict reporting conditions, which for all include regular reporting and notification, and for many, monitoring through electronic device, financial transactions and curfew. While these conditions are designed to monitor the cohort and provide a compliance regime, they do not support individuals to adjust or vary their behaviour and move away from their offending behaviour and reform.
3. For most in the group, prospects of removal from Australia are low, meaning they will likely remain in Australia indefinitely. It therefore becomes important to support individuals to connect to specialised health services and rehabilitation programs to assist their adjustment and efforts to curtail their offending behaviours. Not only will this approach benefit individuals by providing them with access to reformatory support services, it also benefits public safety.

### ***Current support through Status Resolution Support Services (SRSS)***

4. All individuals affected by the NZYQ decision are eligible for Band 4 SRSS, to assist their transition from held or community detention into the community. Under current policy, SRSS Band 4 is available to the NZYQ-affected and BVR cohort (being long-term detainees) for 12 weeks, with 12-weeks extension. Further extension is possible in exceptional circumstances, notably ongoing serious and complex health and mental health issues.
5. SRSS is delivered through a needs based, case management model by contracted service providers with support tailored to individual circumstances. Individuals receive assistance to link to community-based services, including health, education, employment and transitional or emergency accommodation. The SRSS program does not provide any in-house or bespoke services, instead connecting individuals to mainstream and public programs available to the broader community. Importantly, this aspect of the program ensures equity of access to services for other non-citizens not eligible for SRSS and the broader Australian community.

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s. 47C(1)

7. While SRSS links individuals to Services Australia and essential health, short-term accommodation and employment services, s. 47C(1)

s. 47C(1)

Enhanced SRSS for the NZYQ affected cohort

s. 47C(1)

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s. 47C(1)

9. The intent of the program will remain the same – support individuals to transition into the community while they achieve a status resolution outcome – s. 47C(1)

s. 47C(1)

s. 47C(1)

s. 47E(d)

s. 47C(1)

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s. 47C(1)

**Background**

16. SRSS provides short-term support to non-citizens to support them residing in the community while they work to achieve a status resolution outcome.

**Consultation – internal/external**

s. 47C(1)

s. 47C(1)

s. 47C(1) The enhanced SRSS will be implemented by current SRSS providers, Life without Barriers and Settlement Services International.

**Consultation – Secretary / A/g Dep Sec Immigration / ABF Commissioner**

19. The Secretary is aware of the approach in the submission but was not consulted on the submission.
20. The ABF Commissioner is aware of the approach in the submission, but was not consulted on the submission.
21. The A/g Deputy Secretary was consulted on the submission.

**Client service implications**

s. 47C(1)

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## Risks and Sensitivities

S. 47C(1)

28. The information contained in this submission is classified and should not be publicly released without the authority of the Department of Home Affairs. In accordance with our long standing practices, should you wish for unclassified media lines to be prepared in relation to this issue please contact the Home Affairs Media Coordination team – [media@homeaffairs.gov.au](mailto:media@homeaffairs.gov.au).

### Financial/systems/legal/deregulation/media implications

29. The SRSS program is one element of the Department's administered baseline funding for Program 3.5 – Onshore Compliance and Detention.

<sup>1</sup> [Released Prisoners Returning to Prison | Sentencing Council](#)

<sup>2</sup> [Reducing Recidivism - Justice and Community Safety Directorate \(act.gov.au\)](#)

s. 47C(1)

s. 47C(1)

32. Media and Communication Branch will be engaged in the development of communication material and media talking points to respond to enquiries regarding the enhanced support and any proactive communications products.

### Attachments

**Attachment A** Overview of Enhanced SRSS for the NZYQ-affected cohort

|                                                                                                     |
|-----------------------------------------------------------------------------------------------------|
| <b>Authorising Officer</b>                                                                          |
| Cleared by:                                                                                         |
| Michael Thomas<br>First Assistant Secretary<br>Immigration Compliance Division<br>Immigration Group |
| Date: 4 January 2024<br>Mob: s.22(1)(a)(ii)                                                         |

**Contact Officer:** s.22(1)(a)(ii), Senior Director, Resettlement and Support Programs Branch, Ph: s.22(1)(a)(ii) / s.22(1)(a)(ii)

**Through** Chief Finance Officer  
A/g Deputy Secretary Immigration

**CC** Minister for Home Affairs, Minister for Cyber Security  
Secretary  
Deputy Secretary Chief Operating Officer  
Deputy Secretary Executive  
Group Manager Legal  
First Assistant Secretary Executive Coordination  
ABF Commissioner  
Deputy Commissioner Regional Operations  
Assistant Commissioner South  
Commander Operation Aegis

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