

Annex A: Red Cross Guiding Principles for Monitoring Immigration Detention and Restoring Family Links Services

Red Cross has long advocated that people held in immigration detention are among the most vulnerable people in our society. In order to minimise the impacts of detention on the dignity, health and wellbeing of those detained, Red Cross has adopted the following guiding principles drawn from Australian Red Cross Migration Policy that inform this work in immigration detention across Australia:

1. All people in immigration detention should be treated with dignity and respect, regardless of the reason for, or location of, their detention.
2. Where detention is considered necessary, it should be used only as a last resort, for the shortest practicable time and after an assessment of its necessity in each individual case. Detention, beyond that required for initial health and security screening, should be reviewed by an independent authority on a regular basis, with reviews occurring with increased frequency for longer term detention.
3. While awaiting an immigration outcome and beyond, the restoration of family links is a priority.
4. Authorities are responsible for the provision of appropriate services and support to ensure the health and wellbeing of people in detention is in line with Australian community standards and takes into consideration the particular and complex vulnerabilities of people in detention.
5. Children (including those without their parents) should not be detained in immigration detention facilities. Where detention has been deemed necessary, detention should be community based wherever possible.
6. Facilities should be based in locations with appropriate access to health and welfare services, a wide range of meaningful activities and excursions, appropriate community, and cultural, religious and linguistic supports. These are most usually found in metropolitan areas.
7. People in detention should have access to oversight agencies and independent legal advice, appropriately facilitated by detention service providers or authorities, in order to minimise and respond to protection risks, address complaints and ensure appropriate support for vulnerable people.
8. Assessment of protection claims - and any other immigration status resolution matters - should occur in a timely manner, with appropriate legal and judicial safeguards, and people should be kept regularly informed as to the status of their claim/immigration matter.
9. People in immigration detention should be treated fairly and reasonably within the law.
10. The Australian Government retains significant humanitarian responsibilities for people it transfers to another country, not only for ensuring respect for these principles, but also for subsequent durable solutions, be it resettlement, local integration or return.