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The Honourable Chris Bowen MP
Minister for Immigration and Citizenship
Parliament House
M1/45
Canberra ACT 2600

By Fax: 02 6273 4144

Dear Minister,

Re announcement to release children and families from immigration detention into the community

On behalf of Australian Lawyers for Human Rights (ALHR), I would like to congratulate you and the Gillard Labor government on your announcement yesterday that you will be releasing asylum seeker children and families from detention into the community.

Unfortunately, the arrival of asylum seekers has become a polarised issue in the community. The strategy announced yesterday is a justifiable compassionate and humanitarian response. Your announcement recognises that detention of asylum seeking children and their families is unnecessary, undesirable and has a negative impact upon their physical and mental health. ALHR urges the government to release children and their families into the community as a matter of urgency.

While the use of your power under the *Migration Act 1958* to make residence determinations in these cases is a positive step, ALHR would encourage the government to consider using this opportunity to make broader reforms to the Migration Act to end mandatory detention of unauthorised arrivals and consider a model which brings Australia into line with its international human rights obligations. It is the ALHR's view that these obligations mean that the deprivation of any individual's liberty should only be done in exceptional circumstances and is so serious a matter that those circumstances should be clearly stated in the Act and allow for judicial oversight.

Much excellent work and thought on this issue has already been done by various experts, academics, UN agencies, government and non-government organisations including the Joint Standing Committee on Migration, the Human Rights Commission, Amnesty International and the United Nations High Commissioner for Refugees. All of these bodies have put forward a number of well researched and effective models which would still ensure the integrity of the migration system. ALHR remains concerned that, to date, some of the most critical findings and recommendations made by this range of authorities have gone unheeded.

ALHR welcomes these developments and hopes that they will lead to further reforms to bring Australia in line with its international human rights obligations.

Best regards,

Stephen Keim

President

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