

This fact sheet **only** addresses the ***Migration Amendment (Prohibited Items in Immigration Detention) Act 2024***. For information about the Migration Amendment Act 2024 or the Migration Amendment (Removals and Other Measures) Act 2024 please refer to our [other factsheet](#).

WHAT DOES THE NEW LAW DO?

This new law may affect people in detention centres in Australia by:

- Expanding a detention officer’s power to **search, screen and take prohibited things** (eg take mobile phones, SIM cards, computers or other electronic devices, as well as some medications) if it is believed it is necessary to prevent or lessen risk to the health, safety or security of the detention place.

In practice this may mean that if officers believe you are using your phone for example to conduct illegal activity, they can take it from you.

- The Minister also has the power to define any thing as a “prohibited thing” – this includes things that are already illegal but also any item the Minister thinks might be a risk to the health, safety or security of people in the detention facility, or to the “order of the facility.”^[1]
- Expands the basis for strip searches, if an officer suspects that someone has a prohibited item on them.^[2]
- Expanded area searches - officers could search people’s rooms, their personal belongings, common areas and even medical exam rooms for prohibited items.^[3] They are able to use force to do this and could bring dogs^[4] or external people to assist them.^[5]

WHAT DOES THIS MEAN FOR ME?

The Government has not decided what is a ‘prohibited thing’ yet. This means none of these new powers detailed above should be used yet under this law. Please keep visiting our website for updated information to see what items may be taken. When the Government has decided and *if* phones can be taken, you should:

- consider writing down the details of your lawyer/loved ones and/or providing them to a fellow detainee in the event that you lose access to your phone so that you can still communicate with your legal representatives and the outside world.
- If your mobile phone is taken as a result of this new law, you must be given access to another way to communicate with your legal representative and family.^[6]

You should request alternative means of communication immediately. You may also wish to request that your phone or other possession is returned to you for a temporary period.

The officer is not required to return the item to you but may return it to you for the period requested or a shorter period.^[8]

- Keep a record of the time and place your phone or other item was taken and the reason given for taking away the item. Please also note down the name of the officer.
- If it is no longer necessary for an item to be seized the prohibited item must be returned to you. The item must be returned to you unless you cannot be located or are no longer in detention.^[9]

WHERE CAN I GET LEGAL HELP?

It is important that you get advice from ethical and reputable sources. You may contact the organisations below for free legal assistance, noting that you may need to wait until the new year to speak with a lawyer as organisations will have limited capacity at the end of December and start of January.

| Organisation | Who can they assist? | Contact details |
|--|--|---|
| Asylum Seeker Resource Centre | <p>If you:</p> <ul style="list-style-type: none"> • are in immigration detention in Australia; OR • live in the community in Victoria; OR <ul style="list-style-type: none"> • were recently released from detention into the community in Queensland or Western Australia; AND • fear harm on return to your country of birth. | <p>Email: legal@asrc.org.au. Please note we will only respond to email requests from people who are in detention.</p> <p>Phone or drop-in:</p> <ul style="list-style-type: none"> • Hours: Monday, Tuesday, Thursday and Friday from 10am – 12.30pm (closed on Wednesdays) • • Phone: (03) 9274 9889 • Address: 214-218 Nicholson Street, Footscray VIC 3011 |
| Legal Aid NSW | <p>If you:</p> <ul style="list-style-type: none"> • are in New South Wales (detention or in the community); OR • are in detention and were living in New South Wales before being detained. | <p>Phone: (02) 9219 5790</p> |
| Refugee Advice Casework Service (RACS) | <p>If you:</p> <ul style="list-style-type: none"> • live in the community in New South Wales or the Northern Territory; OR • are detained at Yongah Hill Immigration Detention Centre. | <p>Email: admin@racs.org.au</p> |

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| Refugee Legal | <p>If you:</p> <ul style="list-style-type: none"> • are in immigration detention; OR • live in the community in Victoria, South Australia and the Northern Territory. | Email: admin@refugeelegal.org.au |
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WHERE CAN I GET OTHER SUPPORT?

Government-funded service providers are providing limited support to people who have been recently released, including organising temporary housing and assisting them to apply for Medicare (to access healthcare) and Centrelink. You will also be eligible for short-term SRSS (Status Resolution Support Services).

You can contact the service providers below to find out what assistance they can provide.

If you already have a caseworker, it is recommended that you contact them directly on the contact details they have provided.

| Organisation | Contact details |
|---|--|
| Life Without Barriers | <p>Email: info@lwb.org.au Phone:</p> <ul style="list-style-type: none"> • Sunshine (VIC) office: (03) 9245 2701 • Dandenong (VIC) office: (03) 8752 8500 • After hours for emergencies (5pm to 9am): 1800 861 862 |
| Settlement Services International (SSI) | <p>Email: srss.intake@ssi.org.au Phone:</p> <ul style="list-style-type: none"> • Monday to Friday: (02) 9685 0100 • After hours for emergencies (weekdays 5pm to 9am & weekends): (02) 1800 774 142 |

^[1] *Migration Act 1958* (Cth), s 251A.

^[2] *Migration Act 1958* (Cth), s 252A.

^[3] *Migration Act 1958* (Cth), s 252BA.

^[4] *Migration Act 1958* (Cth), s 252BA(4).

^[5] *Migration Act 1958* (Cth), s 252BB.

^[6] *Migration Act 1958* (Cth), s 251AB.

^[7] *Migration Act 1958* (Cth), s 251AA(4).

^[8] *Migration Act 1958* (Cth), s 251AA(5).

^[9] *Migration Act 1958* (Cth), s 251AA(6).