

7.4 Unaccompanied Humanitarian Minors

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Policy

Purpose

These guidelines provide information about the management of unaccompanied humanitarian minors (UHM) whose guardianship is delegated to the Chief Executive Officer (CEO) of the Department for Child Protection and Family Support (the Department) by the Minister for Immigration and Border Protection, through the Department of Immigration and Border Protection (DIBP).

Legislative Authority

[Immigration \(Guardianship of Children\) Act 1946](#)
[Immigration \(Guardianship of Children\) Regulations 2001](#)

Standards

[Better Care, Better Services - Standards for Children and Young People in Protection and Care](#)

Practice Requirements

- The child protection worker must assist nominated UHM custodians and others living in the home to undergo department record checks, criminal record checks and working with children safety checks. These checks must be clear before delegated guardianship is accepted.
- The child protection worker must notify the DIBP UHM Service Delivery Network Officer (UHM Officer) and the Principal Policy Officer, Cultural Diversity (PPO) about any significant issues or changes of circumstances of UHMs.

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Procedure - 7.4 Unaccompanied Humanitarian Minors

Context

A UHM is a child under 18 years of age who has entered Australia without a relative to care for them. Upon arrival in Australia the UHM is placed under the guardianship of the Minister for Immigration and Border Protection.

In some cases, the Minister for Immigration and Border Protection may decide to delegate the guardianship of an UHM to the Department - via an 'Australian Government delegation'. This occurs as a function of the *Immigration (Guardianship of Children) (IGOC) Act 1946*.

This normally occurs when a 'nominated custodian' has offered, or has been nominated by DIBP, to care for the UHM. The Department must assess this person and the potential placement and determine whether guardianship is accepted.

A UHM is not a child in the care of Chief Executive Officer (CEO) of the Department as defined in the *Children and Community Services Act 2004*.

When an 'Australian Government delegation' is agreed and the Department accepts delegated guardianship, the Department provides case management and support to the UHM on behalf of DIBP.

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Referral and allocation process

Requests from DIBP in relation to UHMs are made in writing to the Department's CEO. Requests may be one of three types:

- a UHM who arrived in Australia with a carer identified by DIBP and that carer has previously signed a custodian undertaking with DIBP
- a request for assessment of a nominated custodian identified by DIBP as willing to care for an UHM who is already in Australia, or
- where the Department is requested to identify an appropriate placement arrangement.

UHM requests are processed in the following manner:

- DIBP contacts the prospective Custodian and undertakes a preliminary assessment interview.
- DIBP sends a request for carer assessment or delegation of guardianship of a UHM to the Department's CEO.
- The request is directed to the PPO who processes the request and refers it to the relevant district office for allocation.
- The district office must provide information on the outcome of the carer assessment to the PPO.
- The PPO determines the cost sharing arrangements in line with the costing model and prepares a recommendation for the CEO's approval.
- Where the CEO accepts guardianship of an UHM, the PPO must notify the relevant district.

Copies of correspondence with DIBP confirming acceptance of guardianship must be sent to the district, together with any other additional information received from DIBP.

Although the Department's CEO has the delegated guardianship of the UHM, the Minister for Immigration and Border Protection retains guardianship and ultimate responsibility for the UHM.

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Assessment of UHM custodians

Nominated UHM custodians must undergo department record checks, safety checks and an assessment.

For UHMs up to and including the age of 15, this assessment should be undertaken as per Chapter 9: Placement of a Child in the Care of the CEO with a Relative or Significant Other.

For UHMs who are 16 or 17 years old, this assessment should be undertaken as a 'Private Living Arrangement' assessment - a streamlined assessment process focusing on the needs of the young person for support toward independence and settlement in Australia. More information about this process is available in the related resource *Guidelines for UHM Private Living Arrangement Assessment (16 and 17 years old)*.

If a nominated custodian has not formally signed for their appointment as custodian with DIBP when referred to the Department:

- the PPO, by phone and in writing, should contact and remind them of the assessment and custodianship appointment processes
- the child protection worker must provide the relevant DIBP information forms to the nominated custodian, and
- the child protection worker must request them to sign their appointment as custodians.

If the nominated custodian declines their appointment the assessment must not proceed. The child protection worker must advise the PPO, who in turn must advise DIBP.

Where the Department is requested to identify an appropriate placement arrangement, the child protection worker must apply the Department's *Child Placement Principle* when placing children from culturally and linguistically diverse (CaLD) backgrounds. This information is available in Chapter 7: Departmental Child Placement Principle.

Support to custodians and UHMs

Approved custodians of a UHM 15 years and under are eligible for a foster care subsidy to support the placement. Information on the subsidy application process is available in Chapter 8: Case Management Costs - Basic Subsidy Provisions.

Custodians of 16 and 17 year old UHM's should not receive a subsidy, as the young person is entitled to Centrelink benefits, and financial arrangements are to be negotiated between the UHM and the custodian for their living costs.

A UHM and their custodian are entitled to services under the [Humanitarian Settlement Services \(HSS\)](#) or the [Settlement Grants Program \(SGP\)](#). The child protection worker should liaise with the HSS or SGP provider located within their district to check which services are available.

UHMs requiring immigration-related legal information should be referred to their allocated HSS or SGP worker who will direct them to the most appropriate community or legal organisation.

Recording a UHM on Assist

Child protection workers should record UHM cases on Assist as follows:

Upon intake:

Primary Issue: "Child Protection"

- Child of Concern - Issue: "Transfer of Guardianship"
- Detail: "Unaccompanied Minor"

Upon acceptance of guardianship:

- Period of Care - Reason: "No Guardian"
- Order type - "Australian Gov't Delegation"

Planning and Reporting Requirements

For UHMs 15 years old and under the child protection worker must develop a care plan and cultural plan.

For UHMs who are 16 or 17 years old, a brief one page quarterly progress report must be developed.

The child protection worker must send a copy of each quarterly care plan or progress report to the UHM Officer via email: uhm_network@imm.gov.au. The UHM Officer can also be contacted on 03 9235 3985 or GPO Box 241, Melbourne, Victoria, 3000. Afterhours calls are directed to the UHM Duty Team on 0432 757 679.

For more contact information go to: [DIBP Offices in Australia](#).

When developing a health care plan, the child protection worker should note that children entering Australia under the humanitarian program are generally required to attend an assessment with the Humanitarian Entrant Health Service (HEHS). The child protection worker should inform the relevant community or school health nurse of the HEHS assessment. The HEHS should be notified that the child protection worker is the contact person for all necessary HEHS correspondence for the period the UHM's guardianship is delegated to the Department.

Under the IGOC regulations, custodians must notify the Department of serious incidents involving a UHM in their care. This information must be immediately passed on to DIBP and the PPO.

Notification of Case Closure

UHMs cease to be wards of the Minister for Immigration and Border Protection upon:

- reaching 18 years of age
- becoming Australian citizens
- leaving Australia permanently, or
- being reunited with their parents or placed in the care of a relative as defined under the *Migration Act 1958*.

In these cases, the Department should consider closing its involvement with the UHM.

The PPO must be notified of allocation and case closure dates for all UHM.

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