

# Child Safety POLICY

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**Title:** Unaccompanied humanitarian minors – delegated powers and functions of guardianship

**Policy No:** 613-3

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## Policy Statement:

The Department of Children, Youth Justice and Multicultural Affairs (Child Safety) may accept the delegated powers and functions of guardianship of a child who is an unaccompanied humanitarian minor living in Queensland, from the Minister for the Department of Immigration and Citizenship.

Where these powers and functions are accepted, Child Safety will assume case responsibility for the child and is then responsible for the welfare and supervision of the child.

Services provided to the child and their custodian will aim to ensure that the child's health, education, religious, therapeutic, social and cultural needs are met, as well as ensuring that any other need related to their status as a unaccompanied humanitarian minor ward is met.

Child Safety will undertake case management activities, which includes ensuring the development and review of case plans on an annual basis.

Financial responsibility for a child (non-citizen minors under the *Immigration (Guardianship of Children) Act 1946* (Commonwealth) (IGOC minors) resides with the custodian of the child. In certain circumstances, financial assistance may be sought from the Department of Home Affairs.

Child Safety is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, Child Safety has an obligation to take action and respond to unaccompanied humanitarian minors living in Queensland in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights.

## Principles:

- Services provided to, and decision making for the child will be culturally sensitive, recognising the safety, wellbeing and best interests of the child as the primary consideration.
- The child's dignity will be preserved in accordance with the United Nations Convention on the Rights of the Child.
- Wherever possible, the child will be supported to reside in a care environment that offers stability and security and is able to ensure that their health, education, religious, therapeutic, social and cultural needs are met.

- The child has the right to be consulted about decisions affecting their life and the child, where appropriate to their age and level of maturity, and their custodian, (where applicable) will be provided with appropriate services and supports to enable their participation in decision-making relating to the child.
- Accredited interpreters will be engaged, as required, to ensure effective communication with a child and their custodian.
- Child Safety staff will act and make decisions in a way that is compatible with human rights and obligations under the *Human Rights Act 2019*.

### **Objectives:**

The policy aims to ensure that a child who is an unaccompanied humanitarian minor, for whom Child Safety has accepted the delegated powers and functions of guardianship, has their needs met through the provision of high quality culturally sensitive services and decision making which recognises their unique status.

### **Scope:**

The policy refers to the responsibilities and service delivery arrangements for the welfare and supervision of unaccompanied humanitarian minors for whom Child Safety has accepted the delegated powers and functions of guardianship of the child.

### **Roles and Responsibilities:**

- The Department of Home Affairs, under the *Immigration (Guardianship of Children) Act 1946*, automatically assumes guardianship responsibility of unaccompanied humanitarian minors and is responsible for assessing the suitability of the child's custodian and for the appointment of the custodian.
- The Minister for Home Affairs will formally request that Child Safety accepts the delegated powers and functions of guardianship of the child and Child Safety will formally respond to the Minister for Home Affairs either accepting or refusing to accept the delegated powers and functions of guardianship of the child.
- The Manager, Adoption and Permanent Care Services, Statewide Operations, is responsible for the coordination and oversight of the provision of case management services, including financial and case related decision making for the child for whom Child Safety has accepted the delegated powers and functions of guardianship.
- The designated adoption officer, Adoption and Permanent Care Services is responsible for the provision of case management to the child, including ensuring the development and review of the child's case plan, which is focused on meeting any assessed needs of the child.
- Child Safety staff who have contact with the child will liaise with the designated adoption officer, senior team leader and manager, Adoption and Permanent Care Services, to coordinate the response.

**Authority:**

*Child Protection Act 1999*

*Immigration (Guardianship of Children) Act 1946 (IGOC) Act))*

*Immigration (Guardianship of Children) Regulations 2001*

Immigration (Guardianship of Children) Delegation

United Nations Convention on the Rights of the Child (UNCRC)

United Nations Convention of Refugees

Memorandum of Understanding between Department of Family and Community Services and Department of Immigration and Ethnic Affairs regarding Refugee Minors without Parents in Australia and their Caregivers (MOU with the Commonwealth (1996))

**Delegations:**

Refer to instruments of delegation for delegations relevant to unaccompanied humanitarian minors.

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**Records File No.:** Not applicable  
**Date of approval:** 04 January 2022  
**Date of operation:** 04 January 2022  
**Date to be reviewed:** 04 January 2025

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**Office:** Office of the Chief Practitioner  
**Help Contact:** Child Protection Practice

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**Links:**

**Procedures**

Child Safety Practice Manual

**Related Legislation**

*Human Rights Act 2019*

*Immigration (Guardianship of Children) Act 1946*

Immigration (Guardianship of Children) Delegation

Immigration (Guardianship of Children) Regulations 2001

**Related Policies**

Unaccompanied humanitarian minors – support related costs (614)

**Rescinded Policies**

613-2 Unaccompanied humanitarian minor wards - delegated powers and functions of guardianship

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**Director-General**