



الاتحاد الاسترالى للمجالس الاسلامية
**AUSTRALIAN FEDERATION
OF ISLAMIC COUNCILS INC.**
AUSTRALIA'S NATIONAL ISLAMIC ORGANISATION
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Christmas Island

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12 August 2011

Committee Secretary
Joint Select Committee on Australia's Immigration Detention Network
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Sir/Madam,

I refer to your letter of 7 July 2011 regarding the invitation to provide submission to the Joint Select Committee on Australia's Immigration Detention Network. On behalf of all Muslims in Australia, I thank you for inviting us to give a submission on this important issue.

Muslims Australia Inc (Australian Federation of Islamic Councils – AFIC) was founded in 1964 as an umbrella group for various Islamic groups or councils in Australia. The mission of AFIC is to provide service to the community in a manner that is in accordance with the teachings of Islam and within the framework of Australian law. To advocate on behalf of the Muslim community on all such matters that will affect the community's relevance, settlement and integration within Australian society.

We were deeply concerned that on 15 December 2010 residents of Christmas Island, an Australian territory in the Indian Ocean, were woken by cries for help from the surging seas off Flying Fish Cove. Some dashed to the headland, only to watch helplessly as a wooden boat carrying as many as 100 asylum-seekers smashed against rocks. At least 28 people, including women and children, drowned. As you are aware, the tragedy has reignited a political row over asylum-seekers arriving in Australia by boat.

Even though the Australian government has commended their own efforts in reducing the numbers of people attempting to come to Australia in order to seek asylum and effective protection, the number of refugees has increased in recent years. This has much to do with the current events in Iraq and Afghanistan. It should come as no surprise that while there has been a focus to decrease the numbers of refugees and asylum seekers attempting to reach Australia; most especially by boat; refugee numbers have increased in other areas around the globe.

Australian government has the policy to determine who is permitted to enter and remain in Australia and the conditions under which those who cannot remain may be detained and removed. However, AFIC is of the

view that immigration detention should not be used to punish people. It is an administrative function whereby people who do not have a valid visa are detained while their claims to stay are considered or their removal is facilitated. Australia has cemented its obligations to refugees and the 'international community' by signing the United Nations 1951 Convention on Refugees and its 1967 Protocol. Article 14 of the Universal Declaration of Human Rights states that "Everyone has the right to seek and to enjoy in other countries asylum from persecution." However, the domestic laws and policies of Australia seem not to 'work with' these instruments. It is not a crime to seek asylum. However, according to Australian immigration law, a person who tries to enter Australia without a visa or travel documents is in the country illegally (unlawfully) and is termed an "illegal entrant", "unauthorised arrival" or "unlawful arrival". It is recognised by the UNHCR as well as Australia that refugees and asylum seekers may not have documentation to prove their identity upon arrival. How can these policies and laws be in conflict with Australia's obligations in international law? 'Illegals' should be labelled to people who overstay their visas. The vast majority of these in Australia are from western countries, including British tourists.

We therefore encourage the Committee to focus on Community-based detention arrangements which allows families and other detainees with complex needs to be released into the community with support. The Government should work closely with the community organisations. In this sense, AFIC is willing to assist the Government since Muslims from Iraq and Afghanistan who are currently in detention centre feel that the community do not care about them. They have the feeling like the community has forgotten them. They are really powerless because they are in a state of limbo and don't know what the future holds for them. They are very bored living in the detention centre and have the view that no one cares what happens to them. They have no control over anything that happens in their lives. This sort of feeling could turn into violence – something that we don't expect to see.

I have personally visited both the Detention facilities in Christmas Island recently and met with some detainees. There was a very strong feeling of alienation and hostility as well. Most of the Muslim detainees religious needs were not being met, even though there is a thriving mosque on the Island. I also visited the facility housing the families and met with one of the detainees who is pregnant. She is not getting appropriate medical attention and she was very traumatised with not being assessed at all and is part of the "Malaysia Solution".

Muslims Australia (AFIC) has previously made a submission to the Government as to the various ways that we could assist the Government with the detainees once they are on Australian soil, either in Christmas Island, or Darwin, Tasmania and other centres. We are keen to discuss this with the Government as we believe there can be some real benefits to the Government and the Muslim community would also feel that we

have value added to community by assisting in this difficult issue of refugees and detainees.

We thank you for the opportunity to submit our views. We are happy to discuss this issue further.

With warm Regards,
Yours Sincerely.

Ikebal Patel,
President.