



07 October 2017

Committee Secretary
Senate Legal and Constitutional Affairs Committee
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Canberra, ACT 2600

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Submission regarding the Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2017

This submission is a joint submission of the Federation of Ethnic Communities' Councils of Australia (FECCA) and the Settlement Council of Australia (SCoA).

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the national peak body representing Australia's culturally and linguistically diverse (CALD) communities and their organisations. FECCA provides advocacy, develops policy and promotes issues on behalf of its constituency to Government and the broader community. FECCA strives to ensure that the needs and aspirations of Australians from diverse cultural and linguistic backgrounds are given proper recognition in public policy.

FECCA supports multiculturalism, community harmony, social justice and the rejection of all forms of discrimination and racism so as to build a productive and culturally rich Australian society. FECCA's policies are developed around the concepts of empowerment and inclusion and are formulated with the common good of all Australians in mind.

The Settlement Council of Australia (SCoA) is the peak body for Australia's diverse settlement sector and represents over 80 agencies, which comprise the vast majority of agencies providing settlement support to recently arrived migrants, including those from a refugee background. Our members work directly with a wide range of new arrivals from diverse backgrounds, as well as the mainstream Australian community and various stakeholders.

SCoA believes that Australia should be proud of its multicultural community, and should recognise the role of settlement services in supporting newly arrived migrants. Our members witness firsthand the true value of the contribution made to multicultural Australia by those it welcomes as migrants, as well as the challenges those people face when attempting to settle in their new communities.

Key Messages

Together, FECCA and SCoA wish to contribute to the Committee's inquiry in relation to the Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2017 ("Bill") and we thank you for the opportunity to do so.

We have serious concerns about the prohibition of use or possession of mobile phones by non-criminal detainees, including asylum seekers who have arrived by boat, and who are in immigration detention centres. We are concerned about the treatment of all non-criminal detainees including children in immigration detention being subject to rules designed to control a prison population.

We remain concerned about the inclusion of non-criminal detainees in the same facilities as convicted criminals who are awaiting deportation. It is also unjust for non-criminal immigration detainees to be subject to the same restrictions of access to 'prohibited things'. Contact with family, friends and advocates is both reasonable and critical to ensuring the well-being of non-criminal immigration detainees who include many vulnerable individuals and who may find themselves in immigration for a wide variety of reasons. This type of cruel treatment causing separation and isolation may lead to serious and irreparable harm to non-criminal detainees.

It is crucial to the mental health and well-being of these vulnerable people that they are able to access support and companionship during what is undeniably a time of significant stress and turmoil. Such support is integral to the future prospects of these people and their ability to eventually settle into their new communities should they be granted a visa to remain in Australia

We are concerned that asylum seekers and their families and supporters are being censored in their complaints or discontent with immigration detention by having the use of mobile phones severely restricted. Under the concept of 'a fair go' everyone in Australia has the right to complain about unfair, unequal or unjust treatment especially on the part of the government.

The right to peacefully protest is enshrined in our concept of freedom of expression and is an integral part of our democracy. Removing the capacity for asylum seekers, their supporters, and other non-criminal detainees in immigration detention facilities to communicate their dissatisfaction with their treatment strikes at the heart of Australian democracy. Prohibiting access to mobile phones on the basis that there have been 'efforts to coordinate internal demonstrations to coincide with external protests' is a direct attack on freedom of expression.

FECCA and SCoA reiterate the position that detention related to immigration should be considered an absolute last resort and should be of short duration when necessary. Long term detention is not cost-effective and reduces the capacity of detainees (upon their release) to participate fully and productively into the Australian community in a socially cohesive manner. Any measure which reinforces or bolsters the continued long-term detention of non-criminal migrants or asylum seekers in immigration detention facilities is strongly opposed by both our organisations.

FECCA and SCoA would welcome the opportunity to expand on this submission to the Committee as required. For enquiries please contact the FECCA Director, Dr Emma Campbell at emma@fecca.org.au or on (02) 6282 5755 or SCoA's Chief Executive Officer, Mr Nick Tebbey at ceo@scoa.org.au or on (02) 6282 8515.