

Jo Lee
31 July 2009

Immigration Detention Reform Bill

Dear Committee Secretary,

In relation to your enquiry on the Immigration Detention Reform Bill I would like to present my submission.

There has been much progress made in the last 18 months which safeguard the rights of asylum seekers, protect their dignity and reassert Australia's position as a leading supporter of human rights.

However, discrepancies remain. Discrepancies and inconsistencies which violate our obligations under the Refugee Act 1951 and which ultimately continue to cause widespread harm and distress.

I would like to draw your attention to the following points:

- The detention values implemented for mainland Australia should apply to Christmas Island. After all, most child asylum seekers are located on Christmas Island.
- The Immigration Detention Reform Bill should state that children should not be detained in any kind of secured immigration detention facility. Currently, children are being detained in facilities that are detention centres in all but name, under guard supervision and unable to come or go freely.
- The Immigration Detention Reform Bill should specify adequate measures for independent, timely review of a person's detention. The Bill in its present form does not include any review measures. Under present policy, a person can be detained for six months before any independent review (by the Ombudsman) and even then, the Ombudsman's recommendations are not enforceable. Six months is too long to be detained on the decision of just one DIAC official.

These reforms are incredibly important, not only to those who are currently in detention but in order to further our understanding in Australia that seeking asylum is not a crime and that the dignity of each human being must be upheld.

I thank you for your work on these reforms and I urge you to consider my recommendations.

Yours faithfully,

Jo Lee