

# Labor for Refugees

New South Wales

## Submission to the Australian Parliamentary Joint Select Committee Inquiry on Australia's Immigration Detention Network from Labor for Refugees (NSW), August 2011

Labor for Refugees welcomes the current Inquiry into Mandatory Detention.

Labor for Refugees recognises that detention centres, particularly those located in isolated regional locations, subject all asylum seekers, but particularly children, to a cruel form of punishment that is in breach of many of our obligations under international human rights conventions. Labor for Refugees is increasingly concerned about the effect of detention on the mental health of detainees, in particular the rising number of suicides and attempted suicides by detainees. We welcome any inquiry into why there has been a recent rise in the number of suicides and attempted suicides.

Labor for Refugees calls for

- The immediate complete removal of all children from detention centres;
- That the public sector should be put back in control of the detention centres, with Australian Protective Service replacing Serco. This transition to be made in consultation with the relevant unions;
- That media access to detention centres should be permitted, with appropriate protocols.

Labor for Refugees recognises that it is crucial for the Federal Government to embrace a system with the following elements:

1. That replaces the policy of mandatory detention with mandatory processing for identification, health and security checks followed by accommodation in community settings.
2. Mandatory Processing centres should replace the current detention centres and support refugee applicants by providing UNHCR advice, legal advice, counselling and translators.
3. Processing should be performed as quickly as possible. If this processing raises serious security issues, the Department of Immigration must establish these grounds before the Refugee Review Tribunal.

4. While in the community, refugee applicants should be subject to a form of supervision where they are required to report to Department of Immigration offices on a regular basis. Refugee Applicants should have access to support, free of fees such as counselling, schools, TAFE courses including English language classes, hospitals and area health services and legal advice.
5. That structures be established to ensure the independence of the decision making on asylum seeker claims with protection from exercises of ministerial discretion.  
The Complementary Protection Act should be made immediately available to all non-citizens in Australia with humanitarian claims, regardless of whether they have previously made unsuccessful applications for protection visas.
6. That the rule of law and human rights be protected by ensuring that refugee applicants have their cases determined fairly and protected by the ability to seek a judicial review of tribunal decisions.
7. That regional detention centres such as Curtin be immediately closed.
8. That the Federal Government not proceed with the Malaysia Solution and that all refugees who have landed in Australia be processed in Australia.
9. That Australia re-establishes our Immigration Zone as it was before the Border Protection Act
10. On shore and off shore refugee applicants to be de-coupled and the quota of refugee applicants accepted be increased and fulfilled each year.

***Presented by: Labor for Refugees (NSW)***

***Convenors:***

***Linda Scott  
Shane Prince***

***Secretary:***

***Nizza Siano,***

***Mob:***

***Email:***