



# Queenscliff Rural Australians for Refugees

August 6th 2011.

## **Submission to the Joint Select Committee on Australia's Immigration Detention Network**

We wish to submit the following comments from Queenscliff Rural Australians for Refugees (QRAR).

### **BACKGROUND INFORMATION / EXPERIENCE:**

Queenscliff Rural Australians for Refugees gives advocacy and support to refugees and asylum seekers. Our group has been active since 2002.

We are actively involved in:

- offering friendship and support to asylum seekers and refugees who have been held in mainland or offshore immigration detention
- advocating on behalf of asylum seekers and refugees
- assisting refugees with family reunion issues and processes
- providing support to families of asylum seekers and refugees who are living in war zones or precarious circumstances overseas.
- assisting refugees and asylum seekers make links to the broader community and community support agencies
- initiating petitions for refugees
- lobbying MPs for key refugee policy reform in accordance with Australia's international human rights obligations as a signatory to the UN Refugee Convention
- raising community awareness about refugee issues
- fund-raising for: legal representation for asylum seekers and refugees; refugee family support; refugee medical costs; organisations directly involved with asylum seeker and refugee support

Over the past 10 years individual QRAR members have befriended and supported a number of Afghan, Iraqi and Sri Lankan asylum seekers, through letter-writing, phone call and visits to them while they were incarcerated for up to five years in immigration detention centres (Curtin, Woomera and Baxter 2002 - 2005). When they were finally released into the community, or in the case of two of them, returned, we have continued to support them and help them overcome the difficulties they experienced as a result of their time in immigration detention. The ongoing complexities of achieving Family Reunion with wives and children under a flawed and lengthy process have added to their distress. One QRAR member is currently writing to a young man who has been detained for 12 months on Christmas Island and Curtin Detention Centres (2010 - 2011). We see the same terrible effects of indefinite detention during the Howard era being repeated under the current Government, with tragic consequences.

Our submission draws on ten years of experience interacting with, assisting and advocating on behalf of detained asylum seekers and refugees.

## IMPACTS OF LONG-TERM IMMIGRATION DETENTION

### Indefinite detention:

In spite of the commitment by the Labor Government to process asylum seekers within 90 days, this has not been adhered to.

There now appears to be no time-frame for determining claims.

*"I been on Christmas Island for 8 months now.*

*I write so many request forms for transfer to the main land but they take no action.*

*And the DIAC which is the part of immigration They just comes to visit our compounds make like joke and practically don't do any thing for us*

*if we asking about our interview or explain our situation they say we can't do any thing for u people.*

*i dont know that for how long they will keep us inside a camp*

*they dont care about refugees.*

*For this people become angry and they make big protest against immigration last two nights."*

*(Pakistani asylum seeker, Christmas Island, March 2011)*

From our experiences in supporting long-term detainees, we know that the nature of indefinite detention causes extreme mental trauma. The impact of this trauma has long-term consequences for the individuals, their families, and the broader community.

*"It has been eight years but I still get depression about my time in detention*

*Detention taken every thing from me; my mined, my freedom, my dignity, my self respect and then I lose hope. When you lose hope you never recover, you are never a complete person again."*

*(Iraqi asylum seeker detained in Woomera and Baxter IDC for 4 years)*

### Mental and Physical impacts:

In spite of assurances to the Public, there are inadequate mental health services in each detention Centre. Asylum seekers may have to wait months to access psychiatric assessment.

In our experiences, asylum seekers have been discharged into the community on excessive medication. Those treating newly released detainees have observed that the level of medication administered while in detention can only be described as "chemical restraint".

The use of "isolation" as a technique for punishment and for those at risk of self-harm and suicide is a dangerous, cruel and ineffective management tool.

*"I need you to talk with me.*

*My friend he eats glass and tries to cut his throat. It was terrible so much blood.*

*When he gets out of hospital then they put him in solitary (management) for 2 months.*

*We don't get permission to visit him.*

*My friend is broken....broken beyond repair.*

*I feel desperate, I fell I go crazy in this place.*

*Talk with me please*

*Please tell me about your day."*

*(Iraqi asylum seeker, Baxter IDC, 2003)*

### Remote location:

When Detention Centres are located either Off-Shore, or in remote mainland locations, it makes access to legal representation extremely difficult.

Contact with community is limited or impossible.

There are very few phones available for asylum seekers to use, compared to the numbers in the detention centre. This makes phone contact very difficult. Internet use is also limited.

Many people in the community want to offer friendship and support, but are unable to travel to these remote and isolated locations.

We believe that contact with community is essential for the well-being of humans.

Isolation from community increases the mental anguish of asylum seekers.

Culturally many asylum seekers live in a joint family system in their homelands, where family of all generations are around them. Children are the heart of the family and elders are cared for and respected. Asylum seekers kept in isolated groups in detention compounds suffer greatly from disconnection from family and dislocation from community. Contact with people in the Australian community brings great mental relief to their distress.

*"It was a good moment in detention life that your lovely family visit me.  
I will remember all my life. I have not words for thanks.  
After visit I was feeling that my family left me in detention and they have gone away  
but I control myself.  
You are writing to me every day.  
I miss you lots and would like to see you once more in this ugly place.  
When you visit me I feel like a human being again."  
(Afghani asylum seeker, Baxter IDC, 2002)*

*"It is so lovely when we are talking on the phone.  
Really your phones and letters change my life.  
I been here so long I starting to forget the faces of my wife and children.  
Please help me to remember."  
(Afghani asylum seeker, Baxter IDC, 2003)*

Asylum seekers are being held within high security compounds, giving the Australian community the perception that they are dangerous and criminal.

The practice of keeping asylum seekers out of sight reinforces negative community perception of asylum seekers and de-humanises them. This has a detrimental flow-on effect for them and the wider community when they are finally released.

### **Harassment by DIAC officials and Serco Guards**

Cultural and religious awareness and an up-to-date knowledge of background country information are lacking or inadequate amongst DIAC officials and Serco guards.

This leads to a lack of understanding and respect for the different ethnic groups held in detention.

Insensitive and inappropriate behaviour by officials and guards aggravates the distress and alienation felt by the asylum seekers. It also fuels tensions between the different ethnic groups.

*"All the time DIMIA are telling us to go back. It is safe in your country. They want to get rid of us. I know that it is not safe. I live in a remote mountain area in Afghanistan. The Karzai government have no control in my area. The Taliban are still active there. The US are still bombing and chasing Taliban and Al Qaeda in my province. For nearly 2 years I refused to go back and I did not accept any money offer. But finally I knew I would lose my mind if I remained any longer in that hell-hole [Baxter]. I gave up all hope and to save my sanity I signed to go back to a war zone."  
(Returned Afghani asylum seeker, 2004)*

*"I came with beautiful dream in my heart  
But you take my freedom, my youth, my dignity and my hope.  
My bitter tears will never wash me clean of this place."  
(Iraqi asylum seeker, Baxter IDC, 2003)*

*"We should respect each other.  
We should understand each other's problems.  
Respect others and you will be respected. It's a short life. Who knows about next day."  
(Afghani asylum seeker, Baxter IDC, 2002)*

*"From the one and half week we are wearing the same cloths because of that we got skin allergy.  
immigration comes and promise us even we write many request form for that but we still wetting.  
Nobody take action about us."  
(Pakistani asylum seeker, Christmas Island, March 2011)*

We believe that the nature of the detention centre guards' employment contracts (long hours, isolation, limited experience and training) leads to high levels of stress which impact negatively on the staff interactions with the asylum seekers in their care.

There does not seem to be any order to the processing of claims.

Some detainees are seeing those who arrived long after them receive their second interviews and visa decisions while they are still left in limbo, not knowing when their second interview will be. This has a crushing effect on those in limbo, leading to depression, despair, and the trigger for suicide.

*"My life in detention.  
My life has stopped still.  
This detention camp is inhumane.  
And I have been here too long without being given any proper timetable for decisions or action  
Without knowing what to expect."  
(Afghani asylum seeker, Curtin IDC, 2002)*

## **Claims and Review Processes**

The whole process of determining refugee status is taking far too long. We believe that this problem could be overcome by immediately increasing the number of staff processing claims and security checks.

*"We are crying for immigration to send us to the mainland.  
For how long they give us punishment and why?  
We are already in prison and now they put us in another prison were even animals can't live and we face these all situation even we become mentally disturb.  
They say we giving you security and you must be patient here and be happy. ...  
Who is decision maker who can listen our voice here we are crying but no one listen."  
(Pakistani asylum seeker, Christmas Island, March 2011)*

Lack of staff in Australian Consulates overseas is also adding to the heart-breaking delays in processing Asylum and Family Reunion claims.

The Australian Government makes unrealistic demands for documentation that has never been required or available to individuals in their country of origin. This has caused great misconceptions

about the validity of many asylum seekers claims and consequent lengthy delays in processing claims.

We believe that the stringent requirements for particular documentation should be reviewed, and exceptions made according to the legal and cultural practices of the country of origin.

### **Criminals held with those seeking asylum:**

Asylum seekers are not criminals. They have not been charged with any criminal offences, yet in some instances they are being held alongside those who have been convicted of criminal offences and are awaiting deportation.

This practice adds to the vulnerability of already traumatised asylum seekers, and increases the erroneous community perception that asylum seekers are “illegal” and therefore criminals.

### **Alternatives to mandatory detention:**

We believe that **all** asylum seekers - adults and children - have the same rights to safe, healthy and dignified treatment and accommodation while they are awaiting determination of their claims for asylum.

The process used by the former Fraser Government demonstrates that community-based accommodation is the best solution. It is also the least expensive for the Government.

Using this model, asylum seekers live and work in the community while their claims are processed.

It is well-documented that they are less traumatised under this process.

It has been shown that if a negative decision is received, asylum seekers are more resilient in accepting the outcome and better able to cope with the return to their home country.

Community-based accommodation can be provided after speedy health, security and identity checks are complete.

Unaccompanied minors can be housed in foster care.

Not only is this the most humane way of helping asylum seekers while their cases are being processed, but it can also be achieved for a fraction of the cost of long term mandatory detention.

It costs \$339 per day to keep a refugee locked up, versus between \$7 and \$129 for them to live in the community.

We believe that the current situation for asylum seekers detained indefinitely in immigration detention centres has reached crisis point. According to Immigration Department figures there were 1132 instances of actual or threatened self-harm across the detention network during the past 12 months. This flawed system cannot continue. We urge the Joint Select Committee to advocate strongly, and as a matter of urgency, for the release of asylum seekers into the community while their claims are processed.

Yours sincerely,

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