

## **Submission to the Joint Standing Committee on Migration**

### **Grandmothers for Refugees – Flinders Electorate**

#### ***Ending Indefinite and Arbitrary Immigration Detention Bill***

I write this submission as a concerned Australian and as a long term member of the grassroots movement of Grandmothers for Refugees. This movement started in 2013 when there was a high number of children in detention. Our groups now advocate for families and children and unaccompanied minors particularly, but also for all refugees currently in detention.

Our group – **Grandmothers for Refugees, Flinders Electorate** – welcomes the opportunity to make this submission on behalf of our members. We have been and continue to be outraged by the plight of refugees in detention both here and off shore, the inherent lack of justice and the intentional inhumane and illegal treatment these people have suffered for many years.

We are aware of the long term seriously detrimental effects of long periods of detention - particularly on children and single minors and adults. Time of living with uncertainty and lack of rights, the denial of reuniting family members, without hope for long periods, are harmful and far reaching effects that have been documented many times over many years. We have brought these matters to the attention of the Minister of Health and Minister of Immigration many times. The Australian Government's treatment of refugees and non-citizens can only be seen as intentionally and deliberately harmful and inhumane.

The Australian Government has flaunted international conventions and protocols, and is no longer compliant with international refugee laws. The current Migration Act has been gradually moulded to allow these practices to be legal in Australian law.

#### **We strongly support the content of the Andrew Wilkie Bill.**

It goes a long way to challenge the illegal, inhumane and arbitrary immigration detention of refugees we see practiced and about which we are so concerned.

Importantly, it ends mandatory detention and off shore processing, and ensures Australian domestic laws for refugees and non-citizens are compatible with refugee and international laws. It separates the treatment of refugees from that of criminals who pose a risk to public safety.

It ends discrimination based on a person's mode of arrival to Australia.

It protects and respects families, especially childrens' rights, welfare and safety.

It offers a future possibility of policies which are sustainable financially, time limited and independently monitored and reviewed.

It supports the principle that people have a legal right to seek asylum, disputing the myth widely held in Australia that it is illegal to seek asylum.

## **Particular comments**

### **1. Family reunification:**

There have been many examples of families being separated during the trauma and difficulties of escaping the homeland and coming to Australia. The Department of Immigration has consistently refused family members who arrived in Australia by boat after July 2013 the opportunity to be united with their families.

Media has highlighted examples of family members seeking special assistance to be united from the Minister to no avail.

The continuing separation of families who have fled persecution is unnecessary as it is cruel and inhumane. Policies and practices supporting this must change.

This Bill enshrines the principle of family unity which must be paramount in any decisions and other actions. This principle affirms the obligation to protect and respect family life subject to the best interests of the child.

### **2. Children in detention:**

Although fewer children are currently in detention many children and their families have spent years locked in detention. There are still children on Nauru with limited freedom. Some children have reached the age of 18 during the years spent in detention and remain locked up. Cousins Adnan and Mehdi came as refugees when they were 15 and 16 respectively and are still in detention 9 years later in their mid twenties (Grandmothers for Refugees Resource information)

The Murugappan family from Biloela spent 3 years on Christmas Island in detention under guard. Even now these children are severely compromised by their lack of freedom. The detriments to their health and wellbeing have been documented.

Children and their families should only be detained for the shortest possible time. Children in Australian centres have spent years in detention. The damage and lifelong detrimental effects to so many cannot be overestimated. A child's growth and development requires consistent nurture over the long term.

### **3. The costs of detention**

The Refugee Action Coalition has estimated the costs for one person in off shore to be \$400,000 per annum and for detention in Australia about \$239,000 pa. These costs are astronomical and escalating, and without healthy outcomes, and are many times the cost per person per annum of community detention. Australia pays the Government of Nauru and until recently the Government of Papua and New Guinea as well as maintaining detention centres and alternative places of detention in Australia.

It is unrealistic for the Australian Government to maintain these costs for years to come given that the numbers of refugees and asylum seekers seeking refuge are increasing worldwide with unrest, warfare and climate change.

#### **4.The Bill offers alternatives to immigration detention**

The Bill highlights the need for short term periods in detention and gives alternatives to immigration detention which give flexibility depending on individual circumstances. It sets out specific conditions to be met by refugees living in the community. It ensures time limits on detention and processing, and enables people to have the right to appropriate material support and be able to work. Issues of public safety are addressed.

**We support the Wilkie Bill. It addresses many of the issues we have been challenging as advocates for refugees.**

**We think this bill goes a long way to providing a fair and just framework which will change current immigration detention policies and the manner in which these are practiced. The bill sets out a framework for immigration detention to be lawful, necessary, proportionate and for the shortest time possible. In doing so it makes mandatory detention illegal, and ends indefinite and arbitrary detention practices. It outlines reasons and timeframes and communication and services available in alternative detention. It provides for regular independent monitoring assessment and review. It ensures that the immigration detention policies and practices are once more in line with refugee and international human rights laws. It respects the rights of families and children. It is sustainable financially as the numbers around the world of people seeking safety increase.**

14<sup>th</sup> July 2022

Grandmothers for Refugees – Flinders Electorate