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The Committee Secretary
Joint Standing Committee on Migration
Department of House of Representatives
Parliament House
Canberra, ACT 2600

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BY: MIG

Submission to inquiry into immigration detention in Australia

Thank you for the opportunity to put a submission.

Ever since the controversy regarding treatment of asylum seekers become public, I have been actively involved. The specific concern was the fate of asylum seekers detained on Nauru.

It would not be exaggeration to say that indefinite detention imposed on people, already traumatised by their prior experience, resulted in terrible suffering. It needs to be recorded and kept in mind that those incarcerated were innocent people seeking refuge. I have been a witness to those events. It is my experience that leads me to the following conclusions:

1. Mandatory detention, in its present form, should be abolished, or subject to radical modification. The indefinite detention destroys people; there are many well documented cases of healthy people, including children, breaking down. The existing system, provides no incentive to authorities to complete the process within a reasonable period of time. Because of geographical isolation of detention centres, provision of health, legal aid, education, is unrealistic and extremely expensive; human contact, semblance of normal life impossible. Building, maintenance, and management of detention centres incurs horrendous cost. The present system should be abolished on pragmatic as well as humanitarian grounds.

The United Nations Refugee Convention Article 31, states- "The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence".

Alternatives to the existing system have to be found

2. The system involving initial mandatory detention can be acceptable if required by a reason of public health, public safety, security and identification but never as a punitive measure used for political ends. The duration of detention must be limited to, say, 30 days with possible extensions up to no more than 90 days.

The detained must be treated with respect. The very young and the old must never be detained, neither those who need medical or psychiatric attention.

Immigration centres rather than isolated, prison like detention centres, should be established in populated areas; preferably metropolitan, with assured proximity to legal, health and administrative offices. That should bring transparency to the administrative procedures.

Different infrastructures, as well as the change of culture and

attitudes towards asylum seekers are needed for more satisfactory resolutions in terms of speed and justice. The existing camps are designed to completely isolate the detainees. To be isolated and effectively kept incommunicado, proved to be one of the most punitive aspects of detention.

Asylum seekers in New Zealand have been housed in Refugee Holding Centre in Māngere, Auckland, their claims processed within weeks, English classes provided. No barbed wire or electrified fences, the asylum seekers are free to go out if they choose. In all likelihood, they have been treated as potential citizens rather than enemy aliens.

In the end, the great majority of asylum seekers in Australia, were recognised as genuine refugees, granted permanent protection visas, opening the road to citizenship. Their suffering had no purpose or justification.

Seeking asylum is a fact of life and the issue would not go away. Australia is more than likely to have its share of asylum seekers. We need good laws which balance the needs of security with basic human rights. The asylum seekers are vulnerable people, with no rights and need to be treated the way we would like our loved ones to be treated in such a circumstance.

Yours sincerely,

Halina Rubin

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