

**JOINT STANDING COMMITTEE ON MIGRATION
INQUIRY INTO IMMIGRATION DETENTION**

Submission No. 118

Date Received.....

August, 2008

This submission is based on the experience of once a week visits to the Maribyrnong Detention Centre January, 2000 until June, 2007 in the role of Chaplain/Pastoral Visitor. It is also based on working with Hotham Mission Asylum Seeker Project in Melbourne, supporting asylum seekers living in the community with no rights or entitlements on Bridging Visa E from January 2001 until June, 2007. Numbers of these people had spent time in detention. I also made a number of visits to Baxter Detention Centre and Villawood Detention Centre.

During the years 2000-2007, I saw first hand the impact of policies which led to, many times, severe impairment in the health and well being of men, women and children who found themselves in detention. Recovery was slow and for certain people, this has not been a strong possibility. Some of this psychological damage was due, not just to the conditions in which people lived and the practices of the service providers, but mainly to the insecurity of not knowing when they might be released, and whether they might be able to remain in Australia. Centre staff often exhibited poor understandings of cultural difference as well as inappropriate methods of relating to those detained. This is not to say that all staff were like this, but until more recent years, their training appeared to be more around issues of security and centre regulations than a humane and mature approach. The vast majority of asylum seekers I knew in the centre were found to be refugees or received a visa through Ministerial intervention. Some of these visas were granted after the person had been released from detention. Some had been in not just one but sometimes two or even three detention centres.

My visits also included being with others who found themselves in detention, particularly before 2005 – visa overstayers, students, trafficked women, people coming to Australia for work only to find themselves exploited by recruiters and others, former prisoners awaiting deportation, women who had come to marry and eventually discovering they had no visa.

Around mid 2005, after the Palmer Inquiry, I noted that the Department were detaining less. I saw some improvement in the actual physical conditions at Maribyrnong as the facility began to be refurbished. There was also improvement in service provision when Global Solutions began to run the Centre as opposed to Australasian Correctional Management.

I could write many pages detailing some of the situations people faced in the centres and the stories of sheer human resilience which somehow brought people through the darkest times. The impact of being in detention certainly exacerbated the trauma which was present in many people prior to being detained. One example, a young Afghan man who had fled the Taliban, and who had never had suicidal tendencies even in the difficulties in his home country, given the continual uncertainty he faced in detention after eighteen months, tried to commit suicide.

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BY: M. IG

My position regarding detention is that if we are to have it in some form in Australia, it only be used as a last resort measure, e.g. a person who is to be leaving the country and who is a danger to the community. The experience I had in those seven and a half years showed me that no matter how great a facility or service is provided, ultimately, something detrimental happens to a person when they are taken into a facility, especially when it has big steel fences, security, and a sense that the person has lost most of the control over their life. Because of the nature of most detention facilities, there grows within the person, a sense that they have been criminalised whilst not having done anything which is strictly criminal. This sense often leads to depression and anxiety. (I realise this is not always the case given that some people in detention have previously been in correctional facilities.) There are many studies which outline the impact which detention can have on the psychological well being of the person. Even the Residential Housing Project such as at Baxter was surrounded by a fence and had quite an impact on some of the people I met from there.

My experience at Hotham Mission Asylum Seeker Project provided the example of an extremely good alternative to detention, and an approach which was presented to the Australian Government in 2002 and on many other occasions to Government Ministers, Shadow Ministers, Department of Immigration officials and other bureaucrats. Hotham was increasingly approached by Government around the time of the Palmer Inquiry as the Community Pilot Project was developed to ensure that children would no longer be detained. As mentioned, Hotham Mission focussed on asylum seekers with no rights or entitlements which meant that it built a project which enabled these people to live in the community with as much dignity as was possible. Numbers of the clients were people who had come to Australia by boat, been detained and were then released into Hotham's care because of the severe psychological issues which had arisen for these families and individuals in detention. Hotham also advocated on some occasions to keep families and other individuals out of detention due to their psychological state. This happened when people were to leave the country and also whilst some waited for a Ministerial decision. Most of the other clients were people who had come to Australia in an authorised way and then applied for protection. They were without rights, sometimes because of the 45 Day Rule, or not gaining protection through the Refugee Review Tribunal. Numbers of this group had also experienced detention prior to their coming into support from Hotham Mission as they had worked to support their families whilst being on Bridging Visa E.

Hotham sourced free housing for them, through churches and other groups, some funding through philanthropic foundations and community fundraising, a monthly basic cash assistance programme and very importantly, casework support through social workers who assisted the families and single people. The work of this project was a living proof that detention, a very costly measure to Governments and taxpayers, is not necessary when people have good support and a sense of some control over their lives, even in cases where they have no rights, which seems a contradiction in terms. In this situation, I am not making a case for people having no rights! It is a case of what I saw as people actually wanting to be compliant with regulations when they receive appropriate support and have some measure of saying what it is they hope to achieve, even if that is not always possible.

Finally, if we are to have detention, the issues below can be considered:

- The Swedish detention system be noted. I am not aware of what the system is nowadays, but it was a more humane approach and only used as a last resort as I understood it.
- The formation of an independent body to monitor detention policy and practice
- Detention services where quality rather than the least inexpensive tender be the norm

Thank you very much for the opportunity to present this submission.

Sister Stancea Vichie