

Submission No.....	64
Date Received.....	18

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18 JUL 2008

BY: MIG

18 July 2008

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

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Inquiry into Immigration Detention in Australia

Dear Sir/Madam

I submit the attached in relation to the above inquiry.

Yours sincerely

Janet Castle

The criteria that should be applied in determining how long a person should be held in immigration detention.

Detention Centres should be closed, in particular the new detention facility on Christmas Island. I have been visiting Villawood Immigration Detention Centre weekly to fortnightly for three years and have lived for two and a half years with an asylum seeker. I see at first hand the impact of long term detention. Only damage to the mental, and often physical, health of already traumatised people results from the practice of mandatory detention. As stated by the Committee Against Torture it needs to be a practice of last resort only, not of first resort. Should the Labor Government decide to continue their use, the maximum length of time an asylum seeker should be detained should be 21 days to allow for identification and security and health checks. Beyond this asylum seekers should be released into the community. Where identification is not possible or where there is a verifiable threat to national security, public health or safety, the maximum allowable period of detention should not exceed the current Government maximum of 90 days.

2. The criteria that should be applied in determining when a person should be released from immigration detention following health and security checks.

Some of the criteria used to determine timing of release should be:

Any delay, once identification and health and security have taken place, should only be for settlement assistance to be arranged for the asylum seeker within the community e.g. accommodation, work rights, income support, access to Medicare and referral to appropriate medical/ mental health services. This presupposes the introduction of such assistance.

Priority should be given to the most vulnerable amongst the detainee population.

3. Options to expand the transparency and visibility of immigration detention centres.

If asylum seekers are to be detained for any period of time the managing body of detention centres must be directly accountable to voters i.e. detention centres must not be managed by a body other than the Government. Accountability equals transparency.

Operational standards should be determined in consultation with detainees and members of the Australian community. This inquiry will contribute to that. Centres should be subject to independent monitoring to assure adherence to standards.

Centres should be located close to population centres e.g. not on Christmas Island, so that community members, legal representatives are able to visit freely. Community members should be allowed, by invitation on the part of detainees, to visit living quarters, eat meals with them etc to observe at first hand their detention circumstances and treatment.

Detainees, and those permitted to do so by detainees, should have total access to detainees' records, including medical records. From personal experience of obtaining records by Freedom of Information request the records have deletions, are altered and sections are completely missing. In my own experience the only information released was that submitted to the Department by the solicitor of /the asylum seeker on whose behalf I was applying. This experience is backed up by that of others and defies transparency.

4. The preferred infrastructure options for contemporary immigration detention.

- Accommodation in line with community accommodation standards.

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- Quality, timely medical and dental treatment as requested by the detainee to be provided. e.g. Currently GP treatment is not at request of detainee but is determined by the nurse on duty.
- Food quality/food preparation to meet community standards and to be externally monitored. Detainees should have the choice of being able to select and prepare their own food to their own cultural/religious criteria. e.g. I, and other visitors known to me, have been offered detention centre food by asylum seekers. We have found it inedible.
- Visiting areas to offer protection from the elements e.g. at present in Villawood Immigration Detention Centre there are limited covered areas to provide shelter from the rain or sun, water, and mud, flow through the covered visiting areas when it rains heavily and there is no protection from the wind. Recently acquired heaters are scant and poorly maintained. Visiting area furniture is delapidated and insufficient for the number of visitors.
- This underlines the fact that the managing body must not be a profit making organisation. Profiting from the 'care' of asylum seekers leads to the provision of sub standard infrastructure.

5. Options for the provision of detention services and detention health services across the range of current detention facilities, including Immigration Detention Centres, Immigration Residential Housing, Immigration Transit Accommodation and Community Detention.

Closure of detention centres is cost effective. Independent, mentally healthy, employed asylum seekers participating in and contributing to society by working and paying tax is highly desirable.

Adherence to maximum time limits in detention will limit psychological damage to detainees thus reducing the need for health services both during the detention period and following it.

Access to Medicare, work rights and resort to social security for those outside detention centres gives them control over their accommodation, food, health treatment, legal services et al and reduces dependence on members of the community for pro bono service provision.

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At Villawood Immigration Detention Centre detainee privacy is held in low regard by GSL staff. Respect of asylum seekers is also grossly lacking in some instances personally known to me. You may wish to investigate reports of GSL officers entering the room of [redacted], rifling through her personal papers and removing emotionally and financially significant letters from her deceased daughter, and leaving her room in chaos. My friend, [redacted] was placed in solitary confinement for dubious reasons and was under video surveillance while she conducted her personal hygiene. Both of these occurrences had devastating effects on these two women. After her release from detention, [redacted] was also the subject of harassment by a GSL guard who hit her around her bottom with a

clipboard. Other visitors would not be subjected to such behaviour and the power imbalance would not be such that they would tolerate such behaviour. An investigation into this incident exonerated the perpetrator.

The guiding principle should be the offering of care rather than the imposition of control.

(6) options for additional community-based alternatives to immigration detention by

a) inquiring into international experience;

b) considering the manner in which such alternatives may be utilised in Australia to broaden the options available within the current immigration detention framework;

c) comparing the cost effectiveness of these alternatives with current options.

I am not in a position to comment on this.

(7) Charging Asylum Seekers for their Detention Costs

It appears to be well outside Labor's quoted principles of fairness and decency to detain asylum seekers who use their international right to "seek asylum in any country" (International Declaration of Human Rights, Article 14), and upon their release, whether this be for removal or because they have satisfied our government that they are refugees, to bill them for the cost of having detained them without having committed a crime. We do not even do that to Australian citizens or non citizens who do commit a crime. This section of the Migration Act needs urgently to be repealed.