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**Submission on proposed expansion of Maribyrnong
Immigration Detention Centre**

The Asylum Seeker Resource Centre is opposed to plans by the Department of Immigration Multicultural and Indigenous Affairs (DIMIA) to expand the facilities at the Maribyrnong Detention Centre. Our concerns are based on a number of key factors, which include the following:

1. Our first hand experience with working with detainees at Maribyrnong Detention Centre for the last 4 years.
2. Our extensive feedback from asylum seekers regarding the quality of the facilities at Maribyrnong Detention Centre.
3. The legal and ethical issues that arise from the use of Immigration Detention Centres across Australia.

Our main concerns with proposed expansions of are as follows:

**1. THE DEVELOPMENTS PROMOTE UNLAWFUL MANDATORY
DETENTION.**

We object to the proposals because we oppose mandatory detention. This facility is engaged in the unlawful detention of Asylum Seekers, which is unlawful under international law. The further expansion of this facility serves to assist our community to further contravene international conventions.

This is further described in the HEROC reports: 'A last resort' and 'For those who have come across the seas'. The council should not give its support for an institution that is in breach of key human rights conventions and policies, including the International Covenant on Civil and Political Rights. The planned development expands and promote the concept of immigration detention but has nothing to do with the promotion of wellbeing. Whilst the Department is responsible for the care of those in immigration detention, we have been finding it hard over the years to find examples of such concerns for the well being of such asylum seekers. On the contrary, the care within Maribyrnong Detention Centre has failed and continues to worsen. We urge the council to take a stand on what is unlawful in an international context and based on what is ethical and morally correct to say no to what is already a blight on our community.

2. THE DEVELOPMENTS PROMOTE A SYSTEM WHICH IS INHUMANE.

The proposed developments will further exacerbate the inhumane treatment of asylum seekers. The Maribyrnong Immigration Detention Centre (MIDC) is renowned for its poor and inhumane treatment of asylum seekers. The idea that this proposal seeks to promote a humane environment has no basis in reality considering the track record of the Maribyrnong Detention Centre. We are deeply disturbed because we see the development as increasing the scope of DIMIA to incarcerate asylum seekers and subject them to further poor treatment and inadequate care.

Whilst there are some positive proposals within the plan around improving amenities for asylum seekers we believe that they are superficial and fail to address the existing infrastructure and policies and processes that have created an environment of neglect and maltreatment at the MIDC.

- Over the past four years we have received hundreds of complaints from asylum seekers regarding their mistreatment during their detention at the Maribyrnong Detention Centre.
- We have countless reports of neglect, including reports of asylum seekers being denied minimum necessary care for medical treatment. These have included asylum seekers being denied health care when they are at risk of suicide and or self-harm.
- We have reports of asylum seekers being placed in isolation cells for week and months on end. They have been denied access to visitor, subject to harassment and intimidation from the guards

3. EXPANSION OF DETENTION FACILITY UNCESSARY

The expansion of the detention facility is unnecessary. Rather, DIMIA should explore alternatives to detention including community-based 'detention', reporting conditions on bridging visas and other equally effective methods of ensuring compliance with the Migration Act.

This proposed expansion will lead only to the increase in the number of asylum seekers that are held unlawfully in detention.

The council should pay little regard to arguments that if the Maribyrnong Detention Centre were not expanded, DIMIA would be forced to transfer detainees to centres such as Baxter. In their submission paper, DIMIA acknowledges that a significant percentage of the detainees in Maribyrnong have family and community ties. It would be inappropriate to remove such persons from their supports pending removal from Australia. Rather, DIMIA

should be encouraged to consider alternatives to detention in appropriate cases.

4. OVERCROWDING AND STANDARD OF FACILITIES.

Constant complaints arising from asylum seekers in Maribyrnong Detention Centre concern the overcrowded and inappropriate facilities. These complaints include:

- A lack of appropriate facilities for sleeping. We have received countless reports of men having to sleep on mattresses on floors, in corridors and in reception areas.
- We have received countless complaints from men about the lack of recreation and social space. In particular, detainees are being denied the daily experience of outdoor activity and have only limited access to outdoor areas. This expansion does not offer a greater space for outdoor access and activity because it will be constructed within the existing perimeters of Maribyrnong Detention Centre. In fact DIMIA point out that the new accommodation building will be built partly on the men's courtyard (basketball court) and partly on the existing lawn area. Therefore, the additional buildings will only further limit the available space for asylum seeker's recreation, only compounding existing problems. In addition, the outdoor area will be decentralised, being replaced by smaller less accessible ones. This will reduce the capacity for detainees to congregate and socialise, thus being able to build a broader sense of community within the detention centre. Given the already widespread community concern about the wellbeing and mental health of asylum seekers, such development will only exacerbate their isolation and lack of social support.

- The current plans do not seem to address, in any purposeful or satisfactory way, the limited resources that already exist in Maribyrnong Detention Centre. We foresee that such a development would only further undermine the medical care, facilities and overall standard of care for asylum seekers in Maribyrnong Detention Centre. We have received hundreds of complaints over the years regarding issues such as shortages of medical care, lack of public phones, insufficient meal facilities and standard of food. Complaints have also included the generally poor standards of hygiene and poor quality food and cleanliness.
- The fact that the expansion will be comprised largely of transportable modular elements (i.e. temporary container style accommodation) shows that no serious regard is had to the personal needs and dignity of detainees. Transportable modular elements were widely used in Woomera and Curtin centres prior to their closure. Rather than increasing amenity and privacy, such container style accommodation is extremely cramped and noisy. Temporary accommodation structures which have been widely discredited as substandard in the remote detention centres should not be imported into Maribyrnong.

5. THE NEEDS OF ASYLUM SEEKERS.

The development fails to take onto account the particular needs of asylum seekers. Some of these needs are as follows:

- The development appears to have been premised on the idea that most detainees inside Maribyrnong Detention Centre are detained for short periods of time, usually less than one month. Traditionally, asylum seekers are detained for far more significant lengths of time. Our experience has been that it is not

uncommon for an asylum seeker to reside in Maribyrnong Detention Centre for over six months. There have been cases of asylum seekers being detained for 2 years. Clearly such interim arrangements, with facilities to match are not going to meet their needs.

6. LACK OF ACCOUNTABILITY CLARITY OF THE PROPOSAL.

We are increasingly concerned about the lack of accountability of DIMIA in relation to Detention Centres. The Maribyrnong Council itself is denied the power to investigate what occurs at Maribyrnong Detention Centre or to regulate standards once plans have been approved. We ask the Council not to support what is an inherently unjust institution, which allows the unlawful detention of Asylum Seekers.

The proposal before Council lacks clarity and is far too ambiguous on a number of key issues, such as the follow:

- It is unclear what actual access detainees will have to outdoor facilities and activities. This is critical because currently Asylum Seekers claim they are being denied access to outdoor areas.
- There are plans to promote an increase in security. Will this increase in security compromise the privacy of Asylum Seekers and infringe on their civil rights?
- There was a major upgrade of security arrangements in Maribyrnong in 2002 (?). Any increase in security should be opposed unless there is clear evidence of the need for increased security.

- Will accommodation take into account the religious and cultural needs of Asylum Seekers? And, will sufficient prayer spaces be made available and accessible.
- We find the talk of additional privacy troubling. Will the 'zoning' limit the interaction between detainees, thus decreasing their socialisation with one another and the broader detention community?

7. STANDARD OF CARE IS INADEQUATE.

The proposed claims of improving amenities for all residence are poorly thought out. We see no genuine attempts by DIMIA to provide a basic standard of dignity and care for asylum seekers as is possible within the confines of such a facility. Furthermore we see no consideration for the basic civil liberties of asylum seekers. There is nothing in the development, which promotes the dignity, privacy and well being of all detainees.

The current facility already fails to comply with DIMIA service agreement with GSL and their own standards of care. Therefore any attempts to expand on such an inappropriate facility can only compound these existing problems.

Part of the development is justified on the basis of detainees with criminal background or illicit drug use. We do not see how this development would address the significant underlying health and welfare issues presented. We have received numerous disturbing accounts of the failure of DIMIA to address this issue, ie. Children being placed with adult men and being exposed to drug users. HIV positive asylum who instead of receiving drugs and support are kept in isolation wards for months.

Conversely, we are concerned that DIMIA seems to be promoting an isolation of those who are so-called 'troublesome' from the rest. This goes against all generally accepted public health policy on how we deal with those with high-

risk health problems. DIMIA should further develop a preventative strategy to these issues, rather than separating and quarantining.

8. LACK OF CONSULTATION WITH RELEVANT STAKEHOLDERS.

The proposal claims to have had consultations with a number of stakeholders, yet has excluded those who will be most affected by the developments. They have failed to consult those who are actually detained. Whilst this is a changing population, it is inexcusable there has been no consultation. Clearly residents would be in the best position to provide insight.

There has therefore been no assessment of the social impacts of the project, including the proposed benefits and risks, which may be associated. How can such a development have any credibility or substance without the engagement with the people who are going to have to live with it? Furthermore, it is deeply disconcerting there has been no consultation with the community, which visits detainees. Each week hundreds of people visit family and friends. There has been no attempt to consult those who engage on a daily basis to find out if they find them beneficial or if it would inhibit their ability to visit and socialise with detainees. The failure to engage in an environmental and social impact assessment demonstrated the lack of concerns by DIMIA of those who will be forced to live with it on a daily basis.

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