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Submission to Enquiry Into Immigration Detention

I am making a submission on the first 3 Points of Reference because I saw first hand how harsh and harmful long term mandatory detention was for refugees under the Howard government. I visited Perth Airport detention centre many times and had a lot of letter, email and phone contact with asylum seekers on Christmas Island and Nauru. Asylum seekers were treated with great harshness, inhumanity and disrespect as well as subjected to intolerable pressure to be repatriated. Any sign of resistance to the injustice being meted out to them was punished and people's spirits were broken in many ways. I am not speaking of small cruelties – people died because of their health problems being inadequately treated (e.g. Fatima Irfani from Christmas Island) or had their mental health permanently compromised (too many to list). The very fact that Operation Relex meant being towed back to Indonesia if intercepted outside of Australian waters meant terrible risks were taken by people smugglers and asylum seekers and, again, people died (353 on SIEV X, the drowning of Fatima and Nurjan Husseini on the SIEV 8).

People should be able to apply for asylum in Australia without fear of penalty or punitive treatment – and we should treat them properly according to our obligations under the Conventions and Agreements we have signed with regard to refugees and asylum seekers. And, of course, don't let us forget that at the end of it all they were almost all found to be genuine refugees and allowed to stay in Australia. What was the point of it all?! And what became of those who couldn't take the pressure of the threats and isolation on places like Nauru? They were probably genuine refugees too, that we have treated shamefully and discarded to their fate.

Mandatory detention of asylum seekers was a terrible experience for everyone involved and I hope that no asylum seeker will ever have to go through such an experience again in Australia. I also hope that we, as Australians, never demean ourselves again as we did in subjecting our fellow human beings to such cruel treatment for purely political purposes.

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

The criteria that need to be applied should be simple, and carried out in as quick a fashion as possible to avoid further disruption to already disrupted lives. A brief period in detention may be appropriate, not just to assess security and health status but also to link the person or family to appropriate Government and community support. In particular if those people are fleeing a country where there is a recognized abuse of human rights, or we are even at war with that country, such as Afghanistan or Iraq recently then their

claims should be recognised without quibbling. In the future we will be asked to give people asylum due to the effects of climate change. If we know that country is badly affected by climate change, as we know many Pacific nations will be in the future, then let us respond humanely and appropriately to their claims.

If people arriving are found to be economic migrants rather than asylum seekers then give them the opportunity to work before returning home – and encourage people from that country to apply for the 447 visa to avoid such people arriving on a DIY basis.

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

If health and security checks take longer than expected then people should be moved to community detention as soon as possible, spending not longer than two weeks in immigration detention after arrival. If they arrive with children they should go straight to community detention for these checks, with the aim of integrating the children into mainstream life, including school, as soon as possible. No-one should spend more than 4 weeks in any sort of detention – if our processes take longer then that is our responsibility, not theirs.

Before release the person should be allocated a key worker or linked to accommodation, support and skill development such as English language classes and education or work opportunities to ensure maximum success of integration into the Australian community and their new life.

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

There has been a real problem with the privatization of the running of Immigration Detention Centres which made transparency, visibility and accountability almost impossible. Such centres should be run by the Government, with properly trained human service workers rather than the poorly skilled employees from ex-security and prison guard backgrounds companies like ACM tended to employ.

There should be checks and balances included in the system, such as regular audits and reviews. There should be independent systems which the community and asylum seekers can access such as the Visitors Schemes that are available in prisons and psychiatric hospitals. Asylum seekers should be able to have access to legal advice and a transparent Appeals process.