



Submission to the Joint Standing Committee on Migration

Inquiry into immigration detention in Australia

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Since its establishment in 2001 RAR has held the following principles in relation to immigration detention in Australia:

- The Government should receive all asylum seekers in accordance with Australia's obligations under the UN Convention on Refugees which Australia signed in 1954. After being assessed, asylum seekers would either be accepted as genuine refugees or deported according to long-established criteria.
- Temporary Protection and Bridging Visas should be abolished.
- Detention facilities should be onshore and the Government should abandon any further plans for new offshore centres.
- All existing detention centres should be closed in their present form.
- Indefinite detention should be abolished. Asylum seekers should be held in detention only to establish their identity and for criminal and health clearance. Children should only be held in detention for a maximum of six days.
- Detention facilities should be taken out of the hands of private enterprise. Such facilities should be publicly accountable and open to scrutiny, rather than be left to the mercy of the profit motive.
- The Government should recognise that there is an international humanitarian crisis of huge proportions, which Australia cannot ignore, involving the mass migration of refugees and displaced people. Australia should lead an international search for co-operative solutions and support a worldwide increase in aid for refugees.
- Recognising how small our current quota of 13,500 refugees per year is, Australia should double the quota to 24,000 per year.

## **Addressing the Inquiry Criteria:**

### ***The criteria that should be applied in determining how long a person should be held in immigration detention:***

RAR submits that asylum seekers should be held in detention only to establish their identity, for criminal clearance and to determine their health status. Children and unaccompanied minors should only be held in detention for a maximum of six days. RAR believes those identity checks, criminal clearance and health status determination should be completed within a maximum of 90 days.

Access to legal representation as well as to a fair and just review process should be established.

Once asylum seekers have passed such checks they should be conditionally released into the community. Funding should be provided for appropriately targeted ESL training as well as employment assistance, skill recognition and trauma counselling and there should be access to health care. All cases would be reviewable irrespective of the initial determination and they should be supported by community-based caseworkers.

The rights of refugees and asylum seekers are protected under international treaties and conventions to which Australia is a signatory. The most important of these is the UN International Refugee Convention, which requires host countries to treat asylum seekers with dignity and respect while their claims for asylum are being analysed. The current policy contravenes these principles, and has caused considerable damage to Australia's reputation as a fair and just nation.

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

For refugee seeking asylum RAR holds that the time taken to establish identity and to ensure criminal and health clearance should take no longer than three months (90 days) at the maximum. Once these criteria are met the person should be immediately released into the community with appropriately funded case work and community support.

During the time taken to determine refugee status asylum seekers should be issued with a visa that enables them to work in the community, undertake training where necessary, have access to education for themselves and their children and have access to health care. They should be provided with appropriate casework support and funds should be available to community groups to support refugee integration into the community.

## **TPV's**

The previous practice of issuing temporary visas offered no chance to establish a permanent, secure future. TPV holders had limited rights and could be deported back to their country of origin at any time the government choose. Living in this state of limbo contributed significantly to the mental and physical health problems of refugees.

TPV's should be abolished and the legislation covering this visa category should be rescinded.

### **Bridging Visas**

Bridging visa should be abolished but in the interim the Asylum Seeker Assistance Scheme should be extended to all people on bridging visas who are applying for protection.

People on some of the bridging visa classes (e.g E class) face conditions that in Australia are untenable. They are reliant on NGOs or ad-hoc community groups for basic needs such as food and shelter. For example 95 % of people on BVEs have no access to Medicare or work rights and 68% are homeless or present high risk of becoming homeless. The cost of supporting these people is being carried by the welfare sector and community groups.

### ***Options to expand the transparency and visibility of immigration detention centres***

The detention centres should not be in run by for profit security agencies. By 'contracting out' responsibility for detention centres and denying the public and the media access to them, the current policy obstructs public scrutiny and diverts accountability.

All Immigration Centres should be under Federal Government control and day to day administration by officers of the Federal Public Service. All activities should be open to scrutiny and all Centres subjected to open, transparent and accountable work practices. At no time should military styled methods of detainee control be used, existing security fences should be removed and public access made easier.

Assess by the community should be facilitated including access to legal support and mental and physical health care.

### ***The preferred infrastructure options for contemporary immigration detention***

Centres should be based urban based with minimal security and no high walls, razor wire or other high security measures.

They should be constructed on a community housing model with open and accessible facilities. Infrastructure should include housing for families as well as single people.

Specific facilities should be provided for children under 18 years of age travelling alone and their housing should be supervised by appropriately trained house parents from the Australian community.

The infrastructure should include facilities for outdoor activities for all detainees with specific facilities for children.

The infrastructure should also include appropriate facilities to meet the spiritual needs of detainees.

The facilities should be such that detainees can access necessary local community facilities including, family support, childcare, language training, skills training or retraining, legal support, health care including mental health care.

Opportunities should also be provided for detainees to meet their spiritual needs within the community.

Local community members should be encouraged and facilitated to access, interact and where appropriate provide support to detainees.

***Options for the provision of detention services and detention health services across the range of current detention facilities, including Immigration Detention Centres (IDCs), Immigration Residential Housing, Immigration Transit Accommodation (ITA) and community detention***

RAR submits that all on and off shore Immigration Detention Centres should be closed. Present residential housing arrangements can be used as three-month temporary accommodation.

RAR submits that Immigration detainees should be held in Immigration Transit Accommodation (ITA) for a maximum of three months. Such transit accommodation should be constructed along the lines submitted in the above criteria. Following health and criminal clearances detainees should be released into the community using the model and support structure of refugee advocacy groups including Welcome Shires, Welcome Towns and Welcome Suburbs as well as the existing government and non government support schemes in place for on-shore migrants. Additional funding support should be provided to community groups to support refugees to settle into the community.

The idea of welcoming refugees into our community rather than fearing them is nothing new. The RAR initiative of Welcome Towns echoes the Good Neighbour Movement of the 1950s and 1960s. The idea of Welcome Towns was first broadcast nationally by RAR founding member, Ken Davidson, a Moss Vale vet, on Radio National's 'Bush Telegraph' in 2001. Since then there has been extensive community involvement in Welcome rural towns where community support has provided assistance to refugees to settle into the local communities. This process should be encouraged and facilitated with appropriate financial assistance from the Government.

**Options for additional community-based alternatives to immigration detention by**

**a) inquiring into international experience;**

Refer to the Swedish model

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

RAR submits that the Government should place all refugees seeking asylum under the Asylum Seeker Assistance Scheme, a program that is already in place to provide a living allowance and casework to eligible asylum seekers in the community. Appropriate refugee review status systems should be in place and legal support should be granted.

RAR also submits that its initiative of Welcome Towns is a model that has also already demonstrated its success under certain circumstances. These include sufficient community support as well as support from migrant or similar co-religious or ethnic groups. Our experience in NSW and Victoria demonstrate that refugee settle quickly into rural communities when a small number of co- religious or similar ethnic group already reside.

It is our experience that such towns (Sheppertone in VIC, Blaxland, Young and others in NSW) have already provided considerable psychological, spiritual, material as well as case work support while the refugees' immigration status is being determined. It is also our experience that once refugee status is determined the towns continued to provide support. This process is two way as research on Afghani asylum seekers living in Young NSW demonstrated that their contribution to the local economy in eighteen months was in excess of \$2 million.

Research conducted across Australia indicates that certain refugee groups face specific settlement problems. Among these are Muslim women and newly arrived refugees from Sudan and Somalia in particular those who have come from long stays in refugee camps. ESL women only child friendly training opportunities need to be provided for these specific groups. Journeys by train or bus to ESL facilities where there are mix classes and no childcare will mean some of these women will not attend. Research and anecdotal evidence point to the additional problem of discrimination on the basis of skin colour but these African refugees as well and community education needs to be undertaken to address this issue.

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