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## Mercy Refugee Service a Programme of Mercy Works Inc

### *Submission to the Joint Standing Committee on Migration Inquiry into Immigration Detention in Australia*

The Sisters of Mercy have had a long history in visiting those held in Australia's Detention Centres at Curtin, Port Headland, Woomera, Baxter, Maribyrnong, Villawood, Nauru and Christmas Island over several years. Obviously some of these centres no longer exist but where they still do exist the Sisters of Mercy still visit on a regular basis.

We wish to commend the Migration Committee's decision to "adopt a more expansive inquiry into immigration detention in Australia."

We endorse A Just Australians stance "that Australia's policies towards Refugees and Asylum Seekers should at all times reflect respect, decency and traditional Australian generosity to those in need, while advancing Australia's international standing and national interests, consistent with the human rights standards which Australia has developed and endorsed."

Mercy Refugee Service, a programme of Mercy Works Inc, participated in the Villawood Roundtable held on the 7<sup>th</sup> May 2008 organised by the Parliamentary Migration Committee and in this submission is looking at the first three terms of reference for this inquiry and writes from our experience at the grassroots level.

#### **Terms of Reference**

##### *First Term of Reference-*

##### ***Criteria that should be applied in determining how long a person should be held in immigration detention***

Mercy Refugee Service believes that the committee needs to look at the process, which brings people into our detention system.

Firstly, if someone has sought Asylum in Australia, it has been proven that it is cheaper for the Government for this person to be allowed to work and provide for themselves in the community rather than be held in Villawood or another detention centre facility. Dollar figures obtained in 2004 put the cost for a person to stay in the Villawood Detention Centre at \$111 per day as opposed to \$60 in community housing.

See "The Better Way: Refugees, detention and Australians" published by A Just Australia September 2004.

**These figures have increased proportionately since then.**

***The option of having all Asylum Seekers in the community needs to be investigated and implemented as soon as possible.***

Secondly, in our experience a number of people living in the community have rung up the Department of Immigration to have their visa renewed. They have been told to come into the office so this can be done. So they go believing this will happen but when they do and they are told their visa will NOT be renewed. They had gone to the office having been told their visa WOULD BE renewed! Not having a visa now, they are brought into the "Detention Centre". After this has happened we have found some very distressed people who have felt they have been "tricked" by the Department and can't understand why they have been brought into such a place -a PRISON.

From witnessing first hand the impact of detention on individuals, and on their mental health, particularly in a secure detention facility such as Villawood, **we believe detention should be a last resort. If necessary people should only be detained for short periods**-maximum for six months and TOLD THIS- for the purposes of identity, health and security checks in a transitional centre without the encasement of wire and barbed wire.

Thirdly, Mercy Refugee Service also does not believe that people who have broken their visa conditions and have an air ticket back to their country of origin should be detained and brought into a secure detention centre. **They should be put on the next available plane back to their country of origin.**

***Hence we believe it is in the interest of both parties to detain people in a secure detention facility for the shortest time possible- if at all.***

*Second Term of Reference*

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

One of the major problems in relation to the above Term of Reference is the amount of time someone has to wait in Immigration Detention after they have been told they have been given a visa pending their health and security check. A health check takes no time to carry out, but often people are still languishing in a detention centre for up to 6-8 months - or longer- after notification of their receiving a visa because of the amount of time it is taking for security checks.

We ask that this inquiry follow up on this issue in relation to the time factor!!

***An option in relation to this could be that people are moved out into Community Detention while awaiting Security Check notification.***

*Third Term of Reference*

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

I believe the Department of Immigration has made good progress in relation to the transparency to information and some of the processes operating in relation to their present detention centres in more recent times. This is through representation at the various Community based meetings and their responses to questions and information requested, and also in some cases to e-mails or phone calls. This is also made possible

by the access some community and church groups are given in relation to programmes running in the centres e.g. currently at Villawood.

However, we believe lack of transparency comes at times from those employed to manage the present detention centres and from some of their employees.

***We believe that the Department of Immigration has to closely monitor training and operation of Staff in relation to the three groups of clients currently held in the detention centres i.e. Asylum Seekers, Visa Over stayers and those released from Prison to be deported back to their country of origin.***

In relation to the latter 501-visa category, Mercy Refugee Service believes there is another issue, which is that in some cases people are doing **double time**. They have finished their prison sentence and since they are applying to stay in Australia, because of family members, a number are still held in detention for a number of years.

***We believe this whole area needs careful consideration and review.***

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*Manager*

*Mercy Works Inc, On-shore Programmes*

*Including Mercy Refugee Service*

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*in the land of the Eora people*

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