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AUSTRALIAN ♦ CATHOLIC ♦ SOCIAL ♦ JUSTICE ♦ COUNCIL

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Submission No. 35
Date Received.....

17 July 2008

Committee Secretary
Joint Standing Committee on Migration
Department of House of Representatives
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RECEIVED
17 JUL 2008
BY: MIG

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

The Australian Catholic Social Justice Council ('ACSJC') welcomes this opportunity to lodge a brief submission to the Joint Standing Committee on Migration Inquiry into Immigration Detention in Australia.

The ACSJC was established by the Australian Catholic Bishops Conference in 1987 as the national justice and peace agency of the Catholic Church in Australia. The Bishops Conference mandates the ACSJC to promote research, education, advocacy and action on social justice, peace and human rights. The ACSJC is accountable to the Australian Catholic Bishops Conference through the Bishops Commission for Justice and Service.

Members of the Joint Standing Committee would be aware that the Catholic Church in Australia, through its Bishops Conference and related organisations, the Religious Orders and many service delivery agencies, has opposed the mandatory detention arrangements of Australia's immigration policy over the past decade. The Church has raised concerns about related limitations to the right to claim asylum and be treated with dignity under schemes of the previous Government including the so-called 'Pacific Solution' policy and the Temporary Protection Visa system.

In 2004, the Australian Catholic Bishops issued a statement calling for an urgent response to the needs of asylum seekers and refugees. They described the prolonged mandatory detention of asylum seekers as an unwarranted severe punishment.

We do not deny Australia's right to control those entering its territory. However, this border protection must be exercised transparently, flexibly and in a non-discriminatory way.

Asylum seekers who flee persecution are often forced to enter other countries when they are not in a position to meet legal formalities and to secure proper documentation. Accordingly, the 1951 United Nations Convention on Refugees (Article 31) exempts from punishment for illegal entry those who flee their own lands because of persecution, provided that they contact the authorities with good reasons for their request for asylum. To deprive them of their liberty for long periods amounts to a severe punishment.

It is always unjustifiable to detain asylum seekers in order to deter future asylum seekers from coming to Australia. Prolonged detention is gravely injurious to those on whom it is inflicted: and the Catholic moral tradition has always insisted that it is morally wrong to use unacceptable means even for an arguably good end.

In receiving asylum seekers, it is appropriate to hold people until they have satisfied questions about their identity, health and security issues. But unless evidence is presented in particular cases to support continuing detention, they should not be detained further. Certainly, detention should be non-discriminatory...

Detaining vulnerable persons such as single women, children, unaccompanied minors, those with a mental or physical disability, torture or trauma victims, and women in the late stages of pregnancy or nursing babies, is morally unacceptable. Nor should it be forgotten that detention can have a traumatising effect upon those who are detaining or caring for asylum seekers.¹

The Australian Catholic Bishops Conference and organisations such as the ACSJC have reiterated this position during recent Federal election campaigns.

The ACSJC holds that all asylum seekers, even those who are not entitled to refugee status, must be treated humanely. They are entitled to protection against further despair and psychological harm. Those seeking protection are entitled to humane treatment and a quick determination of their status. The prolonged detention of asylum seekers and sending them to offshore camps conflicts with our nation's moral and legal responsibilities. Far too often, people in such places sink into despair and mental illness as they wait for a decision.

With the Australian Catholic Bishops Commission and the Australian Catholic Migrant and Refugee Office, the ACSJC holds that people should be released into the community following the minimum time necessary for security and health checks, identity checks and lodgement of applications for visas.

The ACSJC welcomes the Federal Government's recent announcement that the Temporary Protection Visa system will be abolished and permanent protection restored. The restoration of permanent protection will remove dangerous levels of anxiety associated with the three-year term of the temporary visa. The renewed access by asylum seekers to health, social support and work rights, which were withheld under the TPV system, will assist people to live with dignity and rebuild their lives in the broader community when they have satisfied initial checks.

The ACSJC also welcomes the end of the processing of asylum seekers in Nauru and Manus Island and the changes this implies to the previous Government's policies. However, the 'Pacific solution' has not completely ended, inasmuch as the detention

¹ Australian Catholic Bishops Conference, 2004, A Message from the Australian Catholic Bishops Conference - May 2004', <http://www.acbc.catholic.org.au/bc/famlife/2004051418.htm>

facility on Christmas Island has been upgraded and the 'exclusion zone' for offshore territory continues. The remoteness of the Christmas Island facility will remain a concern, particularly where asylum seekers are uncertain and/or uninformed of their rights, where there is difficulty in obtaining access to legal advice and support, where access to pastoral care and other support is difficult, and where periods of detention are long.

The ACSJC notes the suggestions of other Church bodies and networks for preferred infrastructure options for contemporary immigration detention and additional community-based alternatives to detention.

The Australian Catholic Bishops Conference and Australian Catholic Migrant and Refugee Office recommend that, if people must be detained for immigration reasons, programs such as Immigration Residential Housing, Immigration Transit Accommodation and community detention are preferable to isolated mandatory detention centres such as Christmas Island. They also point out the huge running costs of Immigration Detention Centres.

The ACSJC also notes the work of NETACT – a Sydney-based coalition of Catholic social justice, education and welfare agencies – in proposing the alternative use of the Villawood Detention Facility to make it a reception centre as it once was in the late 1970s and early 1980s.

Members of NETACT are regular visitors to the Villawood facility and have been involved in the pastoral care and resettlement of refugees and asylum seekers over many years. Among their suggestions for the facility are: the removal of locked gates; appropriate housing for families and single adults; more appropriate spaces for a range of activities including chaplaincy services and medical care; and improvements in educational, health and management infrastructure and resettlement services. Their intimate knowledge of conditions in Immigration Detention Centres and what is needed for a more humane and effective system is the basis of their proposals.

The ACSJC wishes to provide members of the Joint Standing Committee with copies of a publication 'The Call to Hospitality'², which provides a succinct outline of the Church's teaching on the circumstances faced by refugees and our collective responsibility to respond to their needs with dignity and compassion.

The ACSJC is grateful for this opportunity to lodge a brief submission with the Joint Standing Committee on Migration.

Yours sincerely

Mr John Ferguson
National Executive Officer

² Sandie Cornish, 2002, *The Call to Hospitality: Catholic Teaching on Refugees*, Catholic Social Justice Series No.44, Australian Catholic Social Justice Council, Sydney.