

Joint Standing Committee on Migration
Department of House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600

August 2008

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Dear Committee Members,

BY: ... MIG

On behalf of the signatory organisations below, we would like to thank you for initiating this inquiry into immigration detention. This has been a policy area of great public debate in the past ten years and we hope that this inquiry will lead to significant reform of the current immigration detention regime.

We applaud the positive changes that have happened in detention policy in recent years: the release of most children into the community, the use of residence determination for vulnerable people, improvements to service delivery within detention centres including the mental health care of detainees, the new role for the Commonwealth Ombudsman to report on conditions and lengthy detention, the system of individual case-management and the closure of centres on Nauru and Manus Island.

However, we feel it is of utmost importance that the committee is made aware of the broad consensus among the advocacy community towards necessary continued reforms of immigration detention.

The deprivation of liberty is one of the strongest infringements of an individual's rights and must be done so only under the strictest of legal guidelines. We believe that immigration detention should therefore meet the following minimum principals:

Immigration detention should be used as a measure of last resort for all people, not just children. It should be used only for legitimate necessary purposes: for health, character, identity and security checks, or where there is a proven ongoing security need.

Immigration detention should have clear time limits, with public and legal scrutiny and detained people must have the ability to challenge that detention.

Immigration detention should have all the ordinary standards expected by the rule of law, with a framework governed by legal rules, not by discretion.

Immigration detention should be conducted with every step taken to ensure that a person in detention can access all necessary legal and welfare services and to ensure that every detainee can properly realise their right to legal advice.

We look forward to the report from this inquiry, which we hope will recommend that Australia's immigration detention regime should be reformed to be in line with these stated principles.

A Just Australia

ACTU – Australian Council of Trade Unions
Amnesty International Australia
Australian Catholic Migrant and Refugee
Office
Australian Lawyers for Human Rights
Australian Refugee Association
Asylum Seeker Centre of NSW
Brotherhood of St. Laurence, Ecumenical
Migration Centre
Canberra Refugee Action Committee
ChilOut – Children Out of Detention
Federation of Ethnic Communities' Councils of
Australia (FECCA)
Foundation House – Victorian Foundations for
Survivors of Torture
GetUp!
Hotham Mission – Asylum Seeker Project
House of Welcome

Human Rights Act for Australia campaign
Immigration Lawyers Association of Australasia
International Commission of Jurists (Australia)
Jesuit Refugee Service
Justice Project
Law Council of Australia
Oxfam International Australia
Refugee Council of Australia
Researchers for Asylum
Rural Australians for Refugees
Sabian Mandæan Association
Sanctuary Refugee Foundation
Tear Australia
UnitingJustice Australia, Uniting Church in
Australia
Vietnamese Community in Australia
World Vision Australia