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Submission to the Inquiry into Immigration Detention in Australia  
Linda Jaivin

This is a brief submission to supplement evidence already given in person to the Committee.

As a frequent visitor to Villawood IDC over the three and a half year period from November 2001 to June 2005 who has maintained extensive contact with former detainees now living in the community, and with reference to the first four points of committee's terms of reference as I understand them, I would submit that:

1. Given the demonstrably deleterious effect which immigration detention has on the mental and physical health of detainees, I believe that there is no possible justification for holding people in detention beyond the period required to establish their identity and carry out health and security checks. My understanding of this process and my experience in helping former detainees carry out some of the more complex sort of checks which might be required (including, for example, police checks (non-conviction certificates) in places like Lebanon, leads me to believe that this should take no longer than three months. Many people would be able to establish their identity and pass security checks in a much shorter period. Therefore it seems reasonable to limit detention to three months (90 days) maximum.
2. While detainees ought to be released as soon as possible following health and security checks, I believe that the department ought to establish and follow procedures to ensure that the release does not feel like a sudden expulsion.
  - a. In one case, I was informed on a Friday evening that an asylum seeker for whom I'd signed an assurance of support was to be given a visa and released that very evening. He had not been informed directly. He was incredulous when I told him, and very emotional; it was difficult for him to process the fact that after three years locked up behind razor wire, he was suddenly going to be a legitimate resident living normally Australia. He then had about an hour to pack and say his goodbyes. If I had not

had the good sense to go to counselling straight after that. The counselling helped him process his anger and he never struck anyone again; he's now a model citizen in all regards. A psychologist would be able to alert the detainee to some of the problems they might encounter and suggest strategies for dealing with them. I am not an expert by any means - perhaps psychologists or detainees would say that this is not the best time to have such a meeting or conversation. My point is simply that it would be useful to set up some simple, accessible procedure by which a detainee, prior to their release or possibly after, could get easy access to counselling by someone familiar with the particular problems brought on by detention itself. The point is to make the transition less sudden and traumatic and more in keeping with humanitarian ideals.

- e. Asylum seekers detained under the Howard government in particular tended to be very aware that a sense that many Australians opposed their presence; many who obtained refugee status began their life in the community with a consequent sense of shame, resentment and humiliation. Many former detainees I know didn't tell people they met that they'd been in detention for fear of their reaction. They would say they'd just arrived in Australia, or that they'd come as a student, or they just wouldn't say. This in turn made it harder for them to come to terms with what had happened to them.
3. The transparency and visibility of detention centres is very important; one of the more traumatic aspects of detention was the sense, particularly acute in detainees who had been in remote centres such as Woomera or Port Hedland, that they had been forgotten and forsaken by the world. I strongly urge the government to abandon its plans for a detention centre on Christmas Island - no matter how clean and new the physical plant may be, it will be a horribly isolating experience for people to be held there for more than a few days. The best centres, in terms of transparency and visibility, are those close to urban centres. Villawood, for all its flaws, at least was accessible to Sydney and the detainees benefited hugely, mentally, psychologically and in practical ways as well from the ready access to visitors, including lawyers and (volunteer) psychologists. This in turn facilitated their

migration procedures; this is not a crime and should not therefore be treated as such. There needs to be an acute awareness that among asylum seekers there will be people who have experienced, sometimes quite recently, torture or other trauma, including the loss of family members. The centres need to provide access to activities which allow detainees to keep mentally and physically fit. Asylum seekers need to be able to conduct necessary research to back up their claims for protection. The phone system needs to be adequate both in terms of outgoing and incoming phone calls.

- c. The centres need to be structured to keep criminals and others awaiting deportation under section 501 separate from asylum seekers and visa overstayers. There was often quite a lot of fear felt by the more vulnerable population within the centre around the issue of being housed together with convicted criminals in particular.
- d. I'd like to make the additional point that in case after case I've seen where people have been released from detention after some time inside, they have had trouble assuming responsibility for decisions as simple as when or what to eat. There is a sense of disorientation and inability to make choices which plainly comes from having had no choices and no ability to take responsibility for such decisions - from being 'institutionalised'. A refugee I know to be quite strong-willed and independent was, for the first few weeks after release, constantly coming to me in a very stressed state with questions like 'So and so has invited me to dinner. Should I go?' Discussing what I initially considered this quite bizarre behaviour with other advocates, I found it was a common problem. One former detainee was so disoriented and disempowered by the experience of detention (four years in his case) that he experienced extreme separation anxiety with the advocate who had secured his release, to the extent of standing just outside the bathroom door when she was inside. There is something about the structure of detention which seems to disempower people to an extent which is neither necessary or desirable. I am not sure what the solution is, but even a change to the way meals are organised and

prepared, emphasising personal responsibility,  
could help with this.