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Submission to the Inquiry into Immigration Detention in Australia - July 2008 - From the Buddies Refugee Support Group

Buddies Refugee Support is a Sunshine Coast group who advocate for just and compassionate treatment of refugees consistent with internationally agreed human rights standards. We support policies towards refugees and asylum seekers that reflect respect and decent traditional Australian generosity to those in need while at the same time advancing Australia's international standing and national interests.

Members of the group have had close contact with asylum seekers in detention, those on Temporary Protection Visas and those subsequently granted Permanent Visas. These contacts have extended over six years and inform the content of this submission.

Many asylum seekers had already suffered illness, injury and mental scarring from the trauma and torture experienced in their country of origin prior to their flight from persecution and prolonged detention only saw a further deterioration in their situation. A great number of detainees developed serious illnesses and suffered from depression, self-harm, suicide attempts and in many cases severe mental decline.

The fact that the detainees never had any certainty regarding their futures, hopes that were continually dashed when interviews by Immigration officials were not followed up for months and the continual threat of deportation, all contributed to their mental distress. Separation from family, and often not knowing if they were dead or alive, was also a major stressor. This was attested to repeatedly in letters, and during personal contact when visits were made to detention centres.

As a result of close contact with many asylum seekers in detention, our members are firmly of the opinion that the current system of indefinite mandatory detention must be replaced by a less draconian and more flexible and humane approach. To this end, we submit a list of criteria to the Inquiry Committee for its careful consideration.

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

- Mandatory detention should be minimal and should not extend beyond a clearly specified time frame.
- The initial period of detention should be no longer than one month and should be solely for the conduct of health, identity and security checks.
- Two possible extensions, each of thirty days, could be permitted if needed, with the total length of detention being no longer than ninety days.
- These extensions should only be needed in cases where there are reasonable grounds of a threat to national security, public order, health or safety, or if a person is refusing to cooperate with standard screening procedures.
- Any asylum seeker detained beyond the thirty-day limit must be able to seek a review by an independent ombudsman of the decision to continue detention.
- If a determination has not been made within ninety days, an independent judge or magistrate should review the asylum claim.

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

- All asylum seekers who meet the required health and security checks should be released from detention within one month.
- They should be granted an Asylum Application Visa and assisted without delay to move into the community or to remain at the reception centre if that is their preferred option.
- For children under the age of eighteen, the maximum period before release from detention should be one week.
- The following should be given priority for release:
 - Relatives of a child detainee under eighteen years of age
 - Unaccompanied minors
 - Those older than 75 years of age
 - Single women
 - Pregnant women

- Disabled persons
 - Those requiring specialist medical attention that cannot be provided in detention
 - Those requiring specialist medical attention due to previous experience of torture or trauma and which cannot be provided appropriately in detention
- Where documentation is not easy to find or produce, a signed affidavit from the asylum seeker should be regarded as sufficient security, as is the current practice in many other countries.

Options to expand the transparency and visibility of immigration detention centres

- Christmas island should not be used for the detention of any asylum seekers. The initial period of detention, and the subsequent waiting whilst the examination and verification of asylum claims is conducted, should occur only on the Australian mainland. Asylum seekers should not be detained offshore as this reduces their access to legal advice and to visits and support from people within the Australian community.
- The initial detention should be conducted in reception centres, not detention centres. These reception centres should be located in major cities, where access to services and support personnel is possible, and not in isolated parts of the country.
- Detention centres as they now exist should be closed down, or at the very least remodelled into less punitive environments than they currently are. Detention centres should be completely replaced by reception centres.
- The management of reception centres should not be contracted out to private firms but should remain strictly under government control.

The preferred infrastructure options for contemporary immigration detention

- After initial checks, asylum seekers should have the choice of remaining in the reception centres, staying with family or living in community housing.
- Whether remaining in the reception centres or moving into the community, asylum seekers should have access to English language training, cultural and familiarization workshops and be provided with life skills support. They

should be eligible to receive basic medical support, receive post-trauma counselling if required and be permitted to work.

- Compliance can be achieved through asylum seekers agreeing to one of the following:
 - To report to the Department at set intervals of time
 - To reside in a mutually agreed and specified location
 - To provide a guarantor who will be responsible for compliance with conditions of monitoring and who will report any failure in meeting these conditions

- Partnerships between the government and local communities should be developed. 'Welcome towns', with more than 5000 people and not more than a couple of hours from large centres with services, could be encouraged, further to those that are already functioning very successfully in this role. These towns could take in refugee families - providing housing, English lessons and emotional and social support - while the government is there to provide access to Medicare and a small degree of income support for those unable to secure employment.

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

- Asylum seekers should be able to request and receive an interpreter who can interpret in their particular dialect. All interpreters should be competent and should be monitored by DIAC to ensure they meet the necessary standards.

- The Royal Australian College of General Practitioners (RACGP) Standards for health services in Australian immigration centres should be applied and strictly followed at all times. The same standards in this regard should be applied to people in community detention as to those in reception centres.

- Specific cultural awareness training should be an imperative requirement of all medical and support personnel.

- All medical staff should be well trained in the use of interpreters.

- The culture of DIAC must continue to change to one of a fair, competent and compassionate service that truly reflects their slogan "People our business"

In conclusion, we would like to see the above criteria taken into account in the establishment of an alternative to the current model of indefinite detention. We believe they provide the essential basis of a workable alternative that would respect the human rights of asylum seekers, lower the drain on taxpayer resources and afford continued protection to the Australian community.

There have been many inquiries over the years, the results of which have all pointed in the same direction. It is now time to act on this information and to restore Australia's reputation as a fair and decent country and one that honours its international obligations.

Yours sincerely, Bronwyn Bell

On behalf of the Buddies Refugee Support Group
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