

SUBMISSION TO THE SENATE INQUIRY INTO THE IMMIGRATION DEPARTMENT

Please note: Unfortunately I must ask that my name and details given here are kept confidential because of connections with long term detainees who remain in Baxter.

Submission includes discussion of the policies and practices involved in -
LONG TERM DETENTION
TPV SYSTEM
CHRISTMAS ISLAND- new Detention Centre

Children in Detention

One would think it would go without saying that detention of children by any human society is simply unconscionable. As a former gaol chaplain, I know that children born in gaol were at least kept separate from the general gaol population. In visiting Baxter although one may be aware that children are in detention, it still came as a physical shock to actually see them there and come to the realisation that they weren't simply visitors. Our society is certainly responsible for subjecting children to shocking experiences, as well as living through their own and family's trauma, for they have seen things and suffering that there was no reason for them having been subjected to.

Furthermore, although there was such widespread knowledge that this was happening in our Australian society, that the matter was not rectified until mid 2005 will stand as a decidedly shameful monument to this period in our country's history. Governments of other countries have not stooped to such expediency. I realise others will treat of this matter in much more depth.

Long term Baxter Detainees

My own personal experience has been having regular contact with a long term detainee and knowledge of some others for a period of two years. As he and others have often said, the long term single men detainees have had to endure these extraordinarily prolonged years of detention **alone, with no family supports**. This has been an excruciating trial. Young men at the height of their manhood '*seeing our life running away.*'

A fact that the long term detainees found/are finding impossible to understand; that they hear and read in our Australian media of people who have performed shocking crimes, including murder, occasionally receiving penalties of less time they themselves have endured; and - '*we have committed no crime - we have simply sought protection for our lives.*'

It has been a terrible thing to witness the **serious decline in health and communication ability** by a young man who was naturally very outgoing, a good communicator and a person very concerned for the well being for others. As he is still

unfortunately, detained at this time of writing, I feel unable to cite the long term including acute problems of physical and mental ill health which have come as a direct result of his being detained.

The collusion of the system: I have heard many times how this particular detainee has sought redress from his problems of physical ill health only to be subjected to the process of being directed from one organisation to the other - from DIMIA to GSL (or formerly ACM) and back again.

The process reflects the inevitability of **predictable results in leasing out to private contractors** whose reason for taking on the work is obviously to make a profit in the care of traumatised people. This situation needs to be rectified.

Various people of influence from the Department, have travelled through the detention centre, people seeing only the surface, and defensive of policies and practice; completely unable, it would seem, to put themselves in the situation at any depth to realise how culpable we as players in our own society are in inflicting long term detention.

What amounts to false promises includes certainly the former and even the present RPV. In some cases what was held out to be a compassionate way of long term detainees being released while awaiting visa decisions has turned out to be a compounded problem of waiting at least another two months for even this visa- *'Since we signed that "Invitation " every day has been for all of us, like a year.'*

The Culture of DIMIA

The now well known culture of DIMIA at least among anyone connected with asylum seekers is that the **underlying premise** is that of **being on the lookout for any possible reason for a person to be deported** - and meanwhile keep them detained.

Professional basic standards, on the contrary , call for examining each case with an open mind - **and with readiness to accept and study the country information from reputable and scholarly up to date sources.** It may surprise the Senate Committee to know that one source cited by a DIMIA official in deciding the authenticity of a particular person's claim was a backpackers' tourist guide. At other times, long out of date sources have been used. People's actual fate are being decided by amateurish methods. As one of the Afghani TPVs (since thankfully granted permanent protection) pointing out the ignorance of some interviewers re the geography of Afghanistan, said in anguish- *'It's people's lives you're dealing with.'*

Asylum seekers from other countries have faced similar difficulties by an apparent reluctance of officials to believe and use up to date country information and how current and recent events further add to the risk if returned of those seeking protection. As one Iranian advocate said, *'We are showering DIMIA with country information and they seem to simply ignore it.'*

Aspects of the Interview Processes

The flimsiest of reasons for keeping a person locked up and suffering the anguish of possible deportation- has included one man of my acquaintance who is still detained because as an Afghani he knew a few and used a few words Pakistani words.

This kind of arbitrary refusal seems to reflect the extremely subjective behaviour of some of the interviewers - whether directly at the DIMIA interviews or, particularly in the case of detainees, at the RRT interviews, again part of the Immigration Dept process. It seems to reflect an extreme form of monoculturalism. There has obviously been a lack of solid cultural training and cross cultural knowledge of other mores and values of the cultures concerned and even current events. In a case I have some familiarity with, the interviewer seemed to have little in the way of professional demeanour, many times alluding to the fact that the detainee must be telling lies about his circumstance or actions, simply because the action taken by the detainee was something, 'I (the interviewer) *wouldn't have done.*' There seemed no understanding at all of the risks involved, in carrying out non-violent but dissident activities in a politically volatile country.

Again I am speaking of defects in the Immigration system personnel and processes, lacking expert knowledge and accountability which have caused great trauma and are literally placing or potentially placing people's lives at terriblerisk.

Redress is also difficult. In another case I have some acquaintance with, a long term detainee's lawyer has had a request through the **Freedom of Information for more than six months unanswered.** Despite a re-request. This continues to make impossible an accurate plea against a DIMIA decision because the lawyer has been unable to ascertain what is the real cause of the refusal to the detainee was in the first place. Surely this delay re FoI is unethical and the area of the Department concerned needs immediate examination and a call to accountability.

Interpreters.

DIMIA officials may cite the difficulties of finding suitable interpreters. There seems to be no excuse when the stakes are so high, however of again not counting for cultural and ethnic tensions and being scrupulous in a fair allocation of interpreters. For example, the difficulties for Hazaras in facing a Pashtun interpreter. A Shi'ite in some cases to face a Sunni.

The now discredited [REDACTED] the classic case. [REDACTED]

- by trickery refusing to let the detainee speak for more than a few minutes; presumably because of the detainee's ethnicity and religion.

This as a consequence, led to a refusal from the RRT as when the detainee got a chance to properly state his case, it was not believed as it was much more a full story - and, said the RRT, '*wasn't stated at the first interview.*' Obviously those asylum seekers,

unfortunate enough to have one of the brothers for Interpreters, should have their cases automatically immediately reviewed. In this case, to date, this still has not happened.

Nor has there been a general awareness or understanding of effects that the first interviews took place with people traumatised by horrific journeys, in small, dangerous boats, often with little or no food/water towards the end. Subjected to an immediate interview, there was little understanding also by the asylum seekers, escaping from persecution in their own traumatic countries that it was safe to say exactly how and why one had escaped and from what. It took some time obviously to realise that the real story was able and indeed needed to be told. Some interviewers realised that this was the reason for the difference from the initial interview. Others interviewers penalised by deciding that this really authentic change proved the stories were false - with terrible consequences for the detainee - some still detained after 4 and 5 years. This situation obviously needs to be redressed

TPVs While the situation is comparatively speaking less tense for TPVS, I have personally witnessed several dozen men, mostly married with some single, having been technically declared refugees, **being forced through the extraordinary anxious journey for the second time at the end of three years** to again prepare for and then attend a DIMIA interview - again with their fate in the balance. The absolutely unnecessary mental anguish and tension reflected on their faces and in their bodies, despite their very best efforts to remain model citizens. Some cracked in different ways. Particular difficulty was experienced by those who were forced to go the next step - to the RRT.

The fact that the TPV system has meant **an extra 3 or 4 years at least unnecessary separation from their families** is particularly cruel. One man in this period had lost track of his wife and four year old child altogether. What completely unnecessary troubles for the future in mental health has the whole system created. The change in the men when (as each TPV eventually has) has obtained a Permanent Visa The extraordinary troubled long term times the women and children had to go through in dangerous countries without their husbands and fathers, including most eventually having to make their own escape without them. All this needs to be changed.

Furthermore, unless the system is changed it will mean that long term detainees now being released will have to wait a further 4 or 5 years until their family is able to join them. This on top of 4 or 5 years in detention. Another aspect of the cruelty of extended mandatory detention which needs to be changed.

The financial cost: Has been enormous. Having some idea of the everyday costs of running Baxter have been bewildering to the detainees.

As well are the extra costs - e.g. up till 2 weeks ago for example, every traumatised long term detainee in Glenside Psychiatric Hospital had 2 guards. I myself witnessed the regular practice of pregnant women in hospital with 2 guards, day and night.

Nauru, Christmas Island, Manus Island that was - **profligate costs.**

Long term detainees ...profligate costs. Baxter, considered by some to be in a 'remote' region of Australia, reportedly cost about \$42 million to build. With staff living locally and supplies and services readily available, it is still very expensive to run.

My own experience doesn't include involvement with those placed in Nauru or Christmas Island and only minimally re Manus Island. However I wish to state my opposition to such a so-called 'solution' and the trauma it has caused. I conclude with the newest built facility -

Christmas Island At present a detention centre has been in the process of being built on Christmas Island. For the capital cost of \$336 million. Add to this the immense and ongoing cost and difficulty of recruiting and getting staff, medical personnel and so on, plus the huge ongoing cost of servicing a remote island facility flying in mainland staff and supplies. Why is this happening?

Apart from the extravagant waste of funds, there will be further immense human cost. Far from noting the changes required as pointed out by the various investigations this year into DIMIA and its practices, including this current Senate Inquiry, how much more difficult will life will be for future detainees? They will be away from migration agents, lawyers, mental health workers, advocates, chaplains and visitors. This on the contrary looks like a defiant act by those responsible. In fact the building of such a place in such a locality seems to a crowning symbol of what is wrong with the whole system of long term mandatory detention - and why the policies and practices of the Immigration Department of Australia, desperately need a complete overhaul.