

Inquiry into the administration and operation of the Migration Act 1958

As a teacher of English at the Woomera Detention Centre for eight months (Oct-Nov 2000 and March to Sept 2001) I came to the following conclusions concerning asylum seekers being held in detention while awaiting an outcome for their visa application:

- There should be a much more friendly type of environment (similar to New Zealand's approach) to house people while awaiting the outcome of their application for refugee status.
- If there is to be a confinement in such an environment as the Woomera or Baxter detention centre it should be limited to a maximum of two months and preferably only for single adults. Unaccompanied minors and families with children should be released into the community after the initial checks have been completed.
- The operation and management of any detention centre should be directly under the control of a **responsible** government. Otherwise there will be a conflict of interests especially with running the detention centres primarily for profit. The most likely scenarios to occur, which have already occurred at Woomera and Baxter, are: limited staff numbers to service the needs of large numbers of asylum seekers, as happened in Jan 2000 and July 2001; lack of adequate training of staff to cope with traumatised detainees; inability to deal with mental health problems arising from being held in detention; unavailability of interpreters and liaison people to deal with requests such as in legal and family matters; and the tendency to cut corners in the provision of general services such as health, appropriate food, clothing, accommodation and teaching facilities.

To **emphasise** though, I don't believe it is possible, from my observations of detainees at Woomera and Baxter, and even given a well-run and serviced detention centre, to keep asylum seekers detained for more than three months without them experiencing possible irreparable mental harm. This is due to the fragile condition in which the asylum seekers come to Australia; the imposition of an inhumane and criminating environment; and an uncertain future including the possibility of deportation.

- Concerning the latter point every effort should be made to determine the outcome of their application for refugee status as soon as possible. This should include independent legal representation from the start of an applicant's processing.

With respect to human rights it's hard to justify the government's stance on mandatory detention given their inhuman approach in keeping children and families locked up for years. This government has refused to give credence and application of the human rights principles espoused in the Universal Declaration of Human Rights and the Covenant on Civil and Political Rights and the Convention of the Rights of the Child. By not having had these principles incorporated into Australian law the government has adopted a *carte blanche* approach in its administration and operation of the Migration Act 1958—ignoring its human rights responsibility. This has allowed

the government to use the severity of its mandatory detention policy to its fullest extent to ward off other asylum seekers intending to come to Australia in an 'unlawful way'.

As an example, there was overwhelming evidence that the Howard Government's mandatory detention stance had breached the Convention of the Rights of the Child (CRC). The overall finding of the National Inquiry into Children in Immigration Detention—*A Last Resort?*—was clear:

Immigration detention centres expose children to enormous mental illness—which confirms the need to ensure that children should only be locked up in this environment as a measure of last resort and for the shortest appropriate period of time.

Altogether, the Human Rights and Equal Opportunity Commission (HREOC) report found 53 breaches of the CRC with regard to the different categories examined.

- The government, in denial and in defensive mode, ignored the findings of the report of its own Human Rights Commission. As a result of this government's intransigent abuse of political power and democratic values, and what should have been self-evident through the CRC and other conventions, **the human rights principles must now to be enshrined in law.**

As well as the experiences I have had at Woomera and Baxter, I have met more than twenty people on the outside who had been in detention for more than three years. All I would say are still suffering a lot from their long-term stay in detention. Is this just? Is this right, given what they have suffered in their own country?

- Those asylum seekers who have been in detention for this length of time and have been granted refugee status should be given a permanent visa so as to make some reparation for the trauma they have experienced. This would also allow family reunion to occur sooner rather than later.
- The temporary protection visa has caused a lot of angst for boatpeople in general and should be abolished.

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