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Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Inquiry into the provisions of the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006

This submission represents many of views of people in Brisbane who have been supporting refugees on temporary visas since March 2000. As volunteer information officer at the Romero Centre I have been extensively and actively engaged for almost five years in community education in support of human rights and the fair treatment of asylum seekers and refugees.

Relevant to the terms of this enquiry is our collective experience of men, women and children who were held in immigration detention and who are now Australian residents. We were directly involved in welcoming and supporting a group of refugees rescued by the Tampa and processed by UNHCR on Nauru, who arrived here on 2 September 2003. We welcomed others on 14 July 2004, including some of the hunger strikers who were detained on Nauru for three years. All these men, with a small handful of exceptions, and others detained for four years who arrived in October and November 2005 are still on Temporary Protection Visas.

For the duration of the Pacific Solution, our supporters were directly involved with the asylum seekers detained on Nauru. Some of us were intensely involved in reporting the hunger strike to Australia and the world. Containers of goods were shipped to detainees. Donated telephone cards enabled detainees to communicate with the outside world. Mindful of the hunger and poverty among Nauruans, assistance was also given to a Nauruan school community. We provided significant (but not nearly enough) financial support towards the costs of the migration agent who represented pro bono, hundreds of people's cases in a review process which very nearly did not happen.

We urge the Committee to hear evidence in person from Marion Le who can give a rare witness account of what happened and did not happen in offshore DIMA processing, on the detention conditions and their effect on

children, women, Unaccompanied Minors and men. If you need first hand information on the abject despair and mental anguish of long term detainees which drove some into going back, call Hassan Ghulam whom they asked to represent them and whom Government ignored.

No talk of culture change in the Department of Immigration will persuade us that offshore second class processing of asylum seekers within a politically imposed regime of mandatory, indefinite, non reviewable detention, without legal advice or merit review, in another nation state far removed from independent scrutiny, can meet accepted international standards of protection.

We note the pre emptive statement by the Minister that the Government prefers any successful claimants not to be resettled in Australia and that other countries will be asked to settle them. We find that an incredulous concept and expectation which shames our country and contradicts the Government's claims about our generous refugee program.

We interpret the proposed legislation as only an extension of the harsh legislation underpinning the Pacific Solution. The minor concessions made last July are overtaken and the only gain is that the detention of children in Australia is legislated to be a last resort. There is no protection for the rights of children in offshore detention. This undermines our international reputation, compromises any Pacific neighbour which leases their nation state for the purpose of detaining asylum seekers and breaches the UN Conventions on the rights of children, on arbitrary detention and punishes asylum seekers for entering Australia without legal papers.

The Courier Mail published the following letter on 19 April. It nicely summarises arguments: "The Government proposes to send asylum seekers to Nauru for processing in conditions we know are damaging to people. Australia expects other countries to offer them resettlement places if their claims for persecution are genuine. Two young Iraqi refugees are still detained on the small island after four years because no third country will take them. If this is how we observe human rights, maybe Australia should withdraw from the UN Convention on Refugees".

Our detailed submission is attached.

Yours sincerely

Frederika Steen

Information Officer (voluntary)

Extension granted to COB 24 May

SUBMISSION

1 The proposed legislation

1.1 Changes proposed come less than a year after a so called softening of policy and legislation making the detention of children a last resort. Children were indeed removed from detention centres and a timetable was set to end inordinate processing delays and to finalise applications for permanent residence from refugees who had been on temporary visas for many years. Any illusion of compassion and reform is destroyed by the proposal for the offshore detention and processing of all asylum seekers, men, women and children.

1.2 The proposed legislation will restore a culture of harsh, inhumane policies and bad practices and further extend them by refusing asylum seekers the right to claim asylum at a time and in place where they reach the safety of Australia. The intention is clear: to keep people out. The cost is the repudiation of our obligations under the UN Convention and breaches of the rights of children and adults. It ignores the criticism and advice of UNHCR itself and respected national and international human rights agencies including Amnesty International and the Refugee Council of Australia.

1.3 It perpetuates and promotes the inaccurate and negative view of asylum seekers as unauthorised, illegal and not wanted. This clearly contradicts Australia's long standing international legal obligations to accept and treat asylum seekers with dignity, respectful of their human rights and their claims of persecution.

1.4 Government is denying the essential difference between an asylum seeker and refugee fleeing persecution on the one hand, and would be immigrants who can pursue a legal pathway to entry by obtaining a visa on the other. A border control culture is wrongly applied to asylum seekers and is used to vilify, exclude and punish them.

1.5 A refugee -by definition- must be given protection and treated with dignity and humanity by a signatory state. The Australian experience of the latest wave of "boat people" (1999-2001) absolutely affirms the correctness of giving asylum seekers the benefit of the doubt. It should be assumed a priori that they are refugees with well founded fears of persecution. Nine out of ten who proved their claims to be genuine, are now Australian residents and are preparing for citizenship.

1.6 Asylum seekers have the inalienable right to claim protection and can logically expect to have their claims assessed in the country where they claim asylum. Nothing should stop them from claiming asylum. No official can "not hear" them. It is political contrivance to say they have not landed and not engaged our legal obligations. If all countries did the same, there would be no international refugee protection, to which the Government claims to be committed.

1.7 As domestic law, this proposed legislation is not in harmony with international obligations inherent in UN conventions and protocols which Australia willingly signed and has not rescinded. This negatively affects our reputation.

1.8 The Refugee Convention (1951) and Protocol (1967) require Australia to deal honourably with the people who seek protection and to provide that protection whenever necessary. It was our proud history until October 1999 that we gave permanent protection to all who were assessed as being proven refugees. That is

the way it should be, because Australia is a nation of immigrants and Australians are a generous and freedom loving people.

1.9 It is proposed that all asylum seekers arriving by boat (but not by plane) be detained and forcibly transported to another country where their claims will be heard. Their claims will be processed in some other nation's leased detention centre where they will be deprived of their liberty, denied access to community support, legal advice and independent scrutiny. They will be ineligible for merits review and the normal checks and balances of the Australian refugee processing regime, precisely because they are in another country. It is the Australian Government itself, not the asylum seekers, which creates this unequal situation.

1.10 If Nauru is to be the country of detention, the Committee must consider its vulnerability as a poor Pacific nation of 12,000 citizens without a sustainable economy and not many options. It is beholden to other countries, especially Australia, which give it aid and so called development grants. Nauru has not signed the UN Refugee Convention and is not bound by its obligations. Nauru was a soft target for Australia's goal to be rid of asylum seekers who come by boat.

1.11 Off shore processing of asylum claims will debase Australia's asylum seeker protection policy. It calls into question our commitment to universal human rights, and that is an insult to most Australians who pride themselves on their commitment to a fair go. Geographic distancing does not cancel Australia's responsibilities and obligations to asylum seekers. So why go to the trouble and expense?

1.12 The proposal would put in place an inferior, second class asylum process, and if on Nauru, out of sight and impossibly far from the usual humanitarian support available to asylum seekers in Australia. This is unacceptable and a departure from Australia's usual quest to be best, not second and certainly not the worst in the world.

1.13 Existing inconsistencies within asylum policy and practice will compound. The majority of today's asylum seekers do not arrive by boat. Only 3210 claims for asylum were made in Australia last year – none from "boat people". Asylum seekers who arrive by air with valid visas will continue to live in the community albeit with a denial of basic human rights in many cases, while their claims are processed. The answer is not to also detain them, as a past Minister threatened to do, in order to create equity of treatment. There is a standard we agreed to, and we should meet it.

1.14 It would be in the national interest and in the international interest if Australia had a Human Rights Bill. It would strengthen the cause of universal human rights. Without it Australia has no coherent legal framework to protect the human rights of all, including asylum seekers. In this respect, Australia is lagging behind some of its own states and the Australian Capital Territory as well as the "civilised" countries of the world.

1.15 The Government has said it prefers and expects other countries to resettle refugees processed on Nauru by Australian assessors. This flies in the face of past experience, when most of the 1 547 Pacific Solution asylum seekers were settled in either Australia or New Zealand. The expectation is outrageous and rightly condemned as an abrogation of Australia's prime responsibility. Offshore processing of asylum seekers does not diminish bottom line responsibility: it remains Australia's.

2 Why the amendment to legislation?

2.1 The Government correctly assessed the individual claims of 42 West Papuan asylum seekers against the UN Convention criteria. The processing was done relatively quickly, and time in detention on Christmas Island for children and adults was minimised. It could and should have been done more economically and humanely on the mainland of Australia. Legal assistance was made available and there was no political interference in this proper application of international law by trained and experienced public servants.

2.2 The Government response to the granting of refugee status to people fleeing the Indonesian province of West Papua was purely political, motivated by fear and expediency. The "national interest" took over, issues of international relations, national sovereignty and border control. Human rights obligations and considerations were down played and shelved. It graphically demonstrated to the whole world that Australia's fear of increasing numbers of dissident West Papuans finding refuge in Australia, and so angering Indonesia and undermining "good relations" with our populous neighbour, is the driving factor for this legislative change. Government gave Indonesia the upper hand, ignoring that county's poor human rights history.

2.3 While the legislation is inclusive of all asylum seekers arriving by boat, there is no doubt that it targets West Papuan asylum seekers and is designed to head off the potential movement southwards of other asylum seekers, illegal would-be immigrants and criminals whom Indonesia may allow or even assist and direct towards Australia. Indonesia is not a signatory to the UN Convention on Refugees, and has some thousands of illegal foreigners, some registered with UNHCR for protection. Australia tends to see them all as boatpeople to be deterred and stopped.

2.4 What are the nature and the extent of any real threat from asylum seekers as distinct from illegal immigrants? When will the myth of the yellow hordes (and now the chocolate coloured hordes) be put to rest? The real danger for us is that we will become known among the nations of the world as a people who will sacrifice principle and the rights of people on the altar of commerce and political expediency because we do not value their human rights. We are perceived as elitist, better than "those people".

2.5 The trigger for the proposed universal off shore processing is the direct arrival of West Papuan asylum seekers (not in the hands of criminal people smugglers), and the potential for more to follow if the causes for the exodus are not resolved. The rationale for off shore processing does not vary from that which underlies the so called Pacific Solution created in 2001- deterrence, border control, exclusion from making any claims on the fully functioning refugee processing system in Australia. It is only an extension of a bad policy and should be rejected.

3 The foreign affairs and international relations context

3.1 Failure to honour our Refugee Convention obligations to asylum seekers saved by the Tampa in August 2001 and to those intercepted by the Australian Navy on other small boats and ferries from September 2001 onwards, sent a strong and wrong message to the Indonesian Government. Subsequent redefinition of our territorial borders for purposes of the Migration Act added to the bemusement and hypocrisy.

3.2 Against the background of five years of sustained domestic and international criticism of mandatory detention and the Pacific Solution, it is a foreign policy failure that Indonesia was not aware that we might honour our obligations under the UN Convention in the event of West Papuan asylum seekers reaching our shores. But then, even the Prime Minister was taken aback when public servants did the right thing by the asylum seekers and the UN Convention!

3.3 Estimates are that between 10 000- 20 000 West Papuans have taken refuge in Papua New Guinea. Unrest in West Papua is decades old. An estimated 50 000 military personnel are now in place, and the indigenous West Papuans allege they have become an oppressed minority as a result of massive government initiated transmigration from other provinces of Indonesia. Civil unrest, increased reports of violence, persecution and murder were expected to lead to a refugee outflow. It was predictable that some activists fleeing dispossession and persecution would come to that other neighbouring country, across the sea.

3.4 Most Australians readily believe the West Papuans are being persecuted and suppressed, and are the victims in this situation. Most Australians are shocked at the proposal to expel West Papuan refugees to Nauru. The lessons of East Timor and Aceh are not forgotten. The Government appears to have misjudged the views of the Australian people on this matter.

3.5 Most Australians expect the Australian Government to challenge Indonesia in a continuing dialogue to improve their human rights record and hasten the economic and social development of people in the province of West Papua. We expect the Government to work cooperatively with the UNHCR and with PNG to monitor the situation. There is genuine concern about the survival and wellbeing of indigenous neighbours, and a desire to help them and improve their circumstances. Punishing and mistreating their indigenous leadership when it is forced to flee persecution is just not right or sensible.

3.6 Cabinet chose political appeasement of Indonesia over and above a principled commitment to universal human rights. Like the preparedness to pay bribes to do business, it is an ethical and moral issue of human rights versus political and commercial interests. Our national integrity is compromised when we are seen to be willing to ignore or set aside the human rights of people who are fleeing oppression and seeking safety. Appeasement will be a disastrous policy in the long term, which brings no honour, and wins no respect.

3.7 There is a contradiction in our regional relationships. Australia has assumed the moral high ground, leadership and prime responsibility for law and order and good governance in the Pacific, yet it proposes to outsource the holding and processing of asylum seekers simply because it does not want to do so itself. It is prepared to pay impoverished Pacific nations to be the landlords of non criminal asylum seekers transported there and detained against their will, and allow in external hired help like the International Organisation for Migration to administer the detention centre.

3.8 Australia must not continue the bad past practice where it is perceived to use its wealth and dominance to impose unethical agreements on Nauru and PNG to accommodate asylum seekers in order to distance itself from legal and moral responsibility for them. It has damaged the reputation of those countries which are seen as having accepted payment for enabling Australia to disengage from its obligations.

3.9 Australia is rightly criticised for “warehousing” its asylum seekers in a commercial deal which compromised the constitutions of both Pacific Solution partners. Detaining and removing the individual liberty of people not charged, tried, found guilty or sentenced for a crime, is in breach of the democratic constitutions Australia helped develop for the nation states of both PNG and Nauru. Human rights imbedded in these constitutions are absent in Australia’s own constitution. How ironic.

3.10 The Government manipulated the Nauruan Government to issue a temporary visitor visa to these “undocumented arrivals” as if they were free people wanting to visit the island. This was a foul act of deception to circumvent the Nauru constitution and demeaned asylum seekers who proved to be genuine refugees. The Government of Nauru was complicit in robbing men women and children of years of their freedom and extending and increasing their suffering. It was immoral of Australia to have them do so.

3.11 Asylum and refugee policy and universal human rights policy have a leadership vacuum in Australia’s region of influence. They are not on any agenda, it seems. Australia could encourage those of its neighbours who have not signed the UN Refugee Convention (eg Indonesia and Nauru) to do so, and to work towards regional strategies for promoting human rights and eliminating injustices and so ensure peace and stability in our region. Eliminating human rights abuses in neighbouring states is a preferred strategy to punishing its victims who flee in fear and Australia should take a leading role.

3.12 There are perceptions that Australia has in the course of making the “Pacific Solution” arrangements merged its objectives of relocating asylum seekers it does not want, and at the same time providing economic assistance to PNG and Nauru. As a perceived reward for “agreeing” with Australia’s requests, significant additional aid and development gifts were received, often by way of infrastructure and services to support the detention program which also benefited the government and people. Aid should be untied and not compromise either party.

3.13 If it wants to, Australia can effectively manage its borders and preserve its territorial sovereignty AND treat asylum seekers and refugees with dignity and humanity. These are not mutually exclusive.

4 Universal Human Rights

4.1 Legislating to impose mandatory detention on all future asylum seekers, beyond public scrutiny, in extreme isolation and in somebody else’s back yard suggests that Government has learned nothing at all from the detention related human, social and economic disasters reported to it – some at their own behest. Government appears to commission reports, table them and ignore the policy thrust of their recommendations. It’s commitment to the rights of children is disturbingly and unacceptably discriminatory. It is apparently committed only to the rights of children in Australia not children living elsewhere. Asylum seeker children have no rights?

4.2 How can this be? Was the detailed HROEC report on children in detention not explicit enough about breaches of the rights of children whenever and wherever detained and deprived of their childhood? Was the (inadequate) compensation finally paid for the damage done in such a toxic detention environment to Shayan Badraie not enough to make an impact on politicians? Was the further incarceration of children not considered absolutely too awful and risky? Is the ongoing and growing cost of mental health treatment of so many innocent broken

men women and children not persuasive enough to stop this inhumane, undignified treatment?

4.3 Did Mick Palmer not say it bluntly enough in his account of the suffering and mistreatment of Cornelia Rau when he spelled out as a statement of principle that **"Individual liberty is at the heart of our democracy"**? Did Mick Palmer get it wrong? The Government acts and legislates as if it does not value individual liberty, and has no comprehension of the effect of long term detention on innocent, freedom loving already damaged people. This is unacceptable and our democracy is endangered.

4.4 My understanding of "national Australian identity" enshrines the values of a fair go and peace and freedom. It is shattered by a Government readiness to take away the liberty of innocent children, women and men who have committed no crime, and who have turned to my country for protection from persecution. My Government has taken away the meaning of those words.

4.5 There is no place for punitive measures in the international protection of asylum seekers. Yet this Government proposes on the basis of one event (not a mass influx) involving 43 asylum seekers travelling by traditional longboat from West Papua to Cape York, to act tough and condemn all future asylum seekers arriving by boat to a punitive exile and isolation on Nauru or a similar location. Offshore they will have no legal rights or ready access to legal advice and information and decisions on their lives will be made outside any legal framework or mechanism calls the decision maker to account. This breaches their human rights.

4.6 The UN Convention in Article 31 recognises that people fleeing for their lives cannot and usually do not organise passports and visas to enter countries of refuge. Not having the right papers is no grounds – never has been- for abusing the rights of asylum seekers. Why does Australia persist in ignoring a reasonable requirement not to punish asylum seekers for being "unauthorised" and "undocumented"?

4.7 The Government must model decent behaviour in how it speaks of asylum seekers and present their circumstances accurately. It does not. Who can ever forget the then Minister speaking of children, a child, as "it"? Masters of spin, the Government has used and uses words that are negative, dehumanising, and misleading. It has implied criminality, that asylum seekers are terrorists. It stigmatises them as

- "illegal"
- "unauthorised"
- "undocumented"
- "designated unauthorised arrivals"
- "queue jumpers";
- "transitory persons"

4.8 If a person claims asylum they are asylum seekers. If they have fled persecution and can prove it, they are assessed as being refugees. People assessed against Convention criteria as refugees are genuine or they would not be refugees. "Economic refugees" do not meet the Convention criteria if they cannot prove political persecution on the proscribed grounds for refugee status. They are would-be immigrants trying to circumvent the legal requirements for immigration and in breach of Australian Immigration law.

4.9 The proposed legislation again shifts the blame and the burden of an implied illegality onto innocent asylum seekers. The Government has over some years been informed in detail by experts that the effect on innocent people of taking away their liberty and confining them to a detention or processing centre will, after more than a six months, spiral them into hopelessness and depression, starve and destroy their relationships, unravel their sanity and ruin their lives. This legislation, proposed by a knowing and informed Government, creates a situation likely to lead to the abuse of human rights and the abuse of children.

5 The costs of offshore detention

5.1 The cumulative cost to the Australian taxpayer of mandatory detention of asylum seekers is obscene, whether on shore, on Christmas Island or off shore as part of the Pacific Solution. It grows exponentially and will undoubtedly include more detention related compensation claims in the future. The cost is an unacceptable waste of public money urgently needed for other priorities in health, housing, education etc

5.2 The Senate Committee must know the facts about the cumulative costs of the Pacific Solution involving about 1550 asylum seekers, Operation Relex and other navy operations included. Its report should make public what the total expenditure has been to date under the all contracts and agreements - with the IOM, with Nauru, with PNG and with Indonesia. The sum total of administrative costs carried by Australian Government departments and agencies should also be fully accounted for including the cost to date of medical evacuations, policing, security, communications and travel. The taxpayers of Australia have the right to know what it cost to transport, detain and process and repatriate 1,547 asylum seekers on Manus Island and Nauru.

5.3 Should UNHCR does not volunteer information about the financial costs it incurred in the course of its voluntary assistance to Australia with the processing of asylum seekers rescued by the Tampa and its monitoring of Australia's review of rejected cases on Nauru, it should be asked to do so. It is a component of the total cost of the Pacific Solution. UNHCR costs should be set against Australia's annual contribution to UNHCR which was significantly decreased by this Government and needs to be significantly increased.

5.4 The Committee should also factor into the total costs of the Pacific Solution a "community support factor" - the contribution made by the so many Australian citizens writing to and telephoning to detainees and who sent clothing, sewing machines, computers, books and creative arts materials etc to break the boredom and depression and keep the asylum seekers as sane as possible. Prepaid telephone cards valued at tens of thousands of Australian dollars were sent to overcome the lack of access to communication with friends and family in Australia.

6 Do not repeat the bad Nauru and Manus Island experience

6.1 Nauru is no five star Pacific resort. According to refugees who spent two, three and more than four years there, the small island is itself a prison. The isolation is hard to comprehend. It leads to invisibility, to indifference and neglect. There is no escape from the purposeless boredom of detention and the creeping, overwhelming sense of abandonment which may be a life sentence. For families and children, detention on Nauru was hell. Television beams in the happenings in the whole world, but there is no real participation possible, not even calls to family or friends for many years.

6.2 Detention on Nauru was much more than the substandard conditions, the inadequate, poor quality water supply, the unrelenting heat, the insects and the phosphate dust. It was the total enveloping despair, grief of separation and hopelessness about their future which drove men into an act of desperation, hoping to draw the attention of Australians and the world to the inhumanity of their situation. On 10 December 2003 some Afghan Hazara men commenced a hunger strike which lasted almost a month and involved a total of 45 men. They were prepared to die to gain freedom for all those detained. They risked jail, because attempted suicide is a crime in Nauru. Through clandestine calls from the out of bounds town and around phone and power outages, they reported developments as men collapsed and were re hydrated in the third world local hospital. They nominated Hassan Ghulam to represent them in Australia, but all were ignored by Minister and officials. Negotiation and mediation was pathetic – as good as absent. This was a disgrace. Out of sight, out of mind is no way to deal with human beings in crisis. It is a blot on Australia's human rights record.

6.3 The isolation of Nauru with its unreliable power supply when generators run out of imported fuel its unreliable telecommunications and total system breakdowns, its limited weekly airline service and its subservience to the Australian Government may have resulted in a major tragedy taking place unreported, unnoticed but for the courage and skills of the men and their Australian friends who got the message to the media. The danger for compliance with human rights of this off shore processing operation is self evident. It should not be repeated.

6.4 The history of what was done to asylum seekers on Manus and Nauru (September 2001 until the present) is a very sound case for never again taking refugee processing offshore. The Government's claim that it delivered on its refugee and human rights obligations is manifestly not so. Why did it take years to decide the claims? Is justice delayed not justice denied? The off shore location excluded the Commonwealth Ombudsman and Human Rights Commissioner from investigating allegations and conditions. The Government manipulated the exclusion of journalists, medical practitioners, lawyers and human rights advocates by the Government of Nauru which declined to give them visas. Why? What was it hiding?

6.5 The Committee must hear the witness account of the only migration agent allowed to operate on Nauru, Marion Le and her staff, to appreciate the travesty of justice, the denial of natural justice, the lack of legal assistance, the wrongful rejections, the administrative errors, the systematic harassment, the coercion of vulnerable people including children to accept repatriation packages. Initial interviews on arrival of very traumatised people transported in the hold of Navy ships, were often cursory, poorly recorded, conducted with interpreters perceived as ethically compromised by being too close to the decision maker, ethnically biased against Hazara people and sometimes linguistically inaccurate.

6.6 Freedom denied – imprisoned on an isolated island in the Pacific- for up to four years before being resettled in Australia, speaks for itself. Offshore processing first time around was a very costly disaster in financial terms. There are no words to adequately describe the human cost, the pain of fathers and husbands separated from children and wives, the bereft and desperately poor extended family left behind, the missing years of family life. And then, with refugee status and resettlement in Australia there is the extended agony of three or five or more years on temporary visas before the right to family reunion is granted. In terms of our Government valuing family, the Pacific Solution was an unmitigated disaster and off shore processing must be abandoned.

6.7 Probably missing among the submissions received are the accounts of off shore detention conditions from refugees themselves. Until they are safe, they will not tell their stories. They remain on Temporary Protection visas, insecure about their futures and totally distrusting of DIMA officers, the Minister and the Australian Government responsible for their long term detention, their lost years and their temporary status. Risk of retribution and fear of indefinite separation from loved ones silences them.

6.8 In addition to the submissions from individuals who befriended them through letters and emails, the refugees who came from Nauru have compelling accounts written on their behalf by Michael Gordon in his book “Freeing Ali” and by David Corlett through his research into the fate of some refugees forcibly and voluntarily repatriated from Nauru in “Following them Home”.

6.9 The Minister for Immigration’s assertion that offshore processing guarantees proper care and protection for asylum seekers and access to reliable refugee assessment processing has no credibility. Using public money, they deliberately placed the operation out of the reach of most Australians. It is the same mentality which chose remote Port Hedland, Curtin and Woomera locations as a punishment and deterrence and to keep lawyers, family, “do gooders” and ethnic community members away.

6.10 There is no intention to have offshore processing equal the standard of the fully functioning operation onshore. It is designed as a two tier system. Place the proposed off shore processing in a country like Nauru, and the tyranny of distance and associated costs will always undermine effective scrutiny and independent investigation and reporting. Where visa control can exclude investigative journalists, lawyers, human rights activists and friends from visiting detainees, there is no integrity.

6.11 There was an upside to the Pacific Solution. The Governments of Nauru and PNG undoubtedly benefited financially. Nauru got a lot more attention from Australia, a desalination plant, fuel for its generators, improvements to its hospital, more scholarships for children to go to Australia for education, employment for many of its citizens, more police and security, a supply and maintenance business generated by the detention operation which became the biggest employer in the country and the survival of Nauru Air with one plane for a little bit longer. It looks like a temporary fix only for a serious sustainability problem. Was a detention/processing centre an appropriate and an ethical way to boost an economy? There are other options.

6.12 Nauruans no longer believe the original advice given to them that asylum seekers were dangerous terrorists. The refugees who got to know them no longer feared them as the cannibals they were warned about. But the harsh equatorial climate, and the phosphate dust and the extreme isolation remain constant. The unemployment and low standard of living reflect an impoverished economy. The environment is one of little hope, no future. It remains a very foreign and forbidding place to send vulnerable and traumatised asylum seekers and we should not do so again.

Frederika Steen

for workers and supporters of the Romero Centre, Brisbane