

HOTHAM MISSION ASYLUM SEEKER PROJECT
SUBMISSION
THE JOINT SELECT COMMITTEE ON AUSTRALIA'S IMMIGRATION DETENTION NETWORK
AUGUST 2011

Background

Hotham Mission Asylum Seeker Project (ASP) in Melbourne is uniquely positioned to provide a submission to the Joint Select Committee on Australia's Immigration Detention Network. Hotham ASP has been providing accommodation and support for people seeking asylum in the community since early 1997. Recently it completed a major research project which provided a costed housing model based on overseas practice. And since February 2011, Hotham ASP has provided housing and casework support for over 30 young men who were transferred from closed detention into our community housing. These young people are part of the Community Detention Program, which enables the detention of people (predominantly families with children, unaccompanied minors or people with mental or physical health issues) to take place in the community, under conditions that can meet their individual circumstances, rather than in Immigration Detention Facilities.

The work of Hotham Mission ASP has been recognised both nationally and internationally, winning the Human Rights Award for Community in 2002 (HREOC) and nominated for the Human Rights Prize (French Republic) in 2003. In 2004, the United Nations High Commission for Refugees highly commended the work of the project with vulnerable people seeking protection.

This submission will focus on the following sections of the Committee's Terms of Reference:

- (e) impact of detention on children and families, and viable alternatives;
- (g) the impact, effectiveness and cost of mandatory detention and any alternatives, including community release;

Alternatives to closed detention

1. Providing housing in the community for people seeking asylum.

In 2010 Hotham Mission ASP undertook a major research project which explored models of housing people seeking asylum in the community. The project's methodology included examining housing models in the UK, Canada and Sweden, all countries identified as having established models for the provision of safe, secure and affordable housing for people seeking asylum. In each of these countries, housing for people seeking asylum is government-funded.

In all countries visited for the project, housing provision for people seeking asylum is mandated by domestic legislation, including specific asylum support legislation and broader

welfare and homelessness legislation. In addition, Sweden and the UK operate in accordance with European human rights law and European Union Minimum Reception Standards for people seeking asylum.

In all countries, the rationale for government provision of housing and support to people seeking asylum includes obligations under the 1951 Convention Relating to the Status of Refugees. This is in addition to domestic legal and moral imperatives to prevent and address destitution among the population, including people seeking asylum, and in particular, children under the age of 18. None of the countries visited had a system of mandatory detention, despite the numbers of people seeking asylum being significantly higher than Australia.

In each country, housing for people seeking asylum (alongside support and a subsistence/living allowance) is funded at all stages of the refugee determination process, although in Canada, the majority of this funding is targeted to accommodation at initial stages of the determination process.

Hotham Mission ASP's project developed a model for housing people seeking asylum in Australia, informed by these overseas models. The project proposed that a pilot be funded, providing transitional housing and housing support for 100 properties. The pilot, including the provision of experienced property management and support services, would cost DIAC:

- significantly less than market rent
- less than \$12 a day to house people seeking asylum in group housing
- \$31 per day to house people who require single dwellings due to vulnerabilities.

These costs include the provision of housing support, which was identified in the research as a critical part of asylum seeker housing provision. This housing support helps people seeking asylum adjust to their new housing and to prepares them for eventual transition out of housing, either into the settlement system, or return.

More details, included a detailed costing of the model can be found in the Report ***Australia's Hidden Homeless: Community Based Approaches to Asylum Seeker Homelessness***, August 2010

2. Community based detention

A recent evaluation of the Hotham Mission ASP's Community-Based Detention Program for Unaccompanied Young People Seeking Asylum (Darrel Caulley, Primrose Lentin August 2011) found that the trial of this form of community-based accommodation detention for unaccompanied young people seeking asylum had been successful. The evaluation found that:

- **Community-based accommodation detention is a very humane and more health promoting form of detention.**

The young people feel very happy in community detention and feel "free" compared to non-community detention. Their health problems are attended to. They go to school and learn English. They learn about Australian culture and ways of doing things, and thus develop

useful personal, social and task related competencies.

This concurs with findings from Banki and Katz (November, 2009), who compared a number of approaches to resolving immigration status, come out in favour of community-based detention:

On the other hand the emerging evidence indicates that community-based case management interventions may offer the best response for individuals, securing dignity and facilitating improved understanding of the immigration process. In addition, it is the most appropriate intervention to fulfill human rights obligations. Research on compliance, where available, supports the claim that the intervention also reaches high compliance levels, particularly before the removal decision. (p. 60)

- **Community-based accommodation detention prepares unaccompanied asylum seeker youth for life outside detention.**

It gives them a chance to learn Australian culture. They go to school and learn English. They learn how to use the public transport system. They learn how to use Australian kitchen appliances for cooking and washing, and thus when, or if, they get a visa and leave the system they know how to look after themselves.

Living in the community rather than in closed detention helps people seeking asylum deal with change. This includes transitioning into the settlement system if their application is successful, but also engaging with IOM if their claim fails and they need to return.

This is consistent with a report by Briskman, Latham and Goddard (2008, p. 345) which found that :

many refugees who spent years in detention found it difficult to adjust to their new way of life. Some had spent so long in detention that they were effectively institutionalised upon their release. They had spent years not being able to make decisions about the simplest of things, such as when and what to eat, and this impaired their ability to function independently when they were released without any preparation or support.

The costs borne by the settlement system are significantly higher for people seeking asylum coming out of detention, than for those transitioning across from a community setting. People seeking asylum coming out of a detention setting are more likely to need mental health treatment, remedial education and group activities to look at improving their peer relationships and socialisation.

Conclusion

The Hotham Mission ASP supports the funding and management of either community based housing models for people seeking asylum, or community detention. Hotham Mission ASP supports any initiatives that minimise the requirement for time spent in closed detention. Current practice and research shows that community based housing options for people seeking asylum is the most ethical, cost efficient option for the Government to respond to the question of where people seeking asylum should reside whilst waiting for their protection application to be resolved.