



Brotherhood
of St Laurence

Working for an Australia free of poverty

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25th August, 2011

Committee Secretary
Joint Select Committee on Australia's Immigration Detention Network
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Mr. Watling,

The Brotherhood of St Laurence (BSL) welcomes the opportunity to respond to the inquiry about Australia's Immigration Detention Network. Through our specialist refugee and settlement centre, the Ecumenical Migration Centre (EMC), the BSL has been at the forefront of work with recently arrived communities as well as longer-settled disadvantaged groups to ensure their full access and participation in Australian society.

An example of the EMC's contribution to an area related to this inquiry is the leadership role EMC played in coordinating a state-wide emergency response in 2001 to the settlement of thousands of refugees released from remote Immigration Detention Centres on Temporary Protection Visas without settlement support. The EMC subsequently developed a state-wide Action Plan for the Victorian Government. From 2000-2005, the EMC co-convened the state-wide alliance, Justice for Asylum Seekers (JASⁱ) which developed a detailed case management model as an alternative to immigration detention. This model has the Red Cross as a leading agency in facilitating community release.

Here we will present our position on the following sections of the Committee's Terms of Reference:

- 1(a) reforms needed to the current immigration detention network in Australia
- 1(g) the impact, effectiveness and cost of mandatory detention

We would like to bring to the Committee's attention that through JAS, a group of national key welfare agencies, all concerned about the detention of vulnerable people, brought together their extensive knowledge and expertise to develop a foundation for community release as an alternative case management model to immigration detention. A summary of this model is articulated in 'The Better Way'ⁱⁱ and in a 2003 cost evidence report that economically remodels mandatory detention titled 'Improving outcomes and reducing costs for asylum seekers'ⁱⁱⁱ.

The BSL draws the committee's attention to the abovementioned resources as they centre on a credible and costed detention reform proposal backed by key stakeholders and are based on proven compliance strategies and a prudent balance of care for vulnerable people. Given that a variety of alternative options to mandatory detention have been suggested according to the care needs and security risks of each asylum seeker, the BSL supports the viability of these options (particularly the alternative approach around community release) and their provision by welfare agencies at lower costs.

Since the introduction of Australia's mandatory immigration detention policy in 1992 and its expansion in 1994, the approach maintained for immigration detention has come under scrutiny in recent years on practical as well as ethical (human rights/legal) grounds. In light of successive governments maintaining a position to detaining asylum seekers on the grounds of countering unauthorised migration, there is still no empirical evidence available that gives credence to this rationale (Edwards 2011)^{iv}. Additionally, a research study by Field and Edwards' (2006)^v found examples where more than 90 per cent of asylum applicants complied with release conditions.

This growing body of evidence is calling into question the purpose and effectiveness of mandatory detention as a policy aimed at preventing irregular migration. Thus, the BSL believes that mandatory detention does not work and calls on the inquiry to consider the empirical evidence as a basis for policy making. We also believe that the scaling up of the community release model would continue to increase rates of compliance and co-operation.

Given that the Government's key immigration detention values (endorsed by the Cabinet in 2008 as a new detention policy) commit the Department of Immigration and Citizenship (DIAC) to only detain asylum seekers in immigrant detention centres as a last resort, the BSL believes that mechanisms are already in place to guide this practice and its implementation. Furthermore, we see no need for detention beyond reception unless decided by an independent judicial review.

The rationale of maintaining an indefinite mandatory high security detention model as a management tool while determining status, health and security checks is an inappropriate approach to people seeking asylum and has significant human and financial costs.

While we agree with the government's stance on managing Australia's borders, the current 'one size fits all' model of detention is no longer needed beyond reception. The provision of alternatives to detention depending on security assessment can be achieved through the community release model. Additionally, the involvement of community case workers in this model and their support for people placed in community detention is shown to reduce acts of self-harm and increase the rates of voluntary repatriation for unsuccessful asylum seekers. Therefore, we welcome the government's decision to increase the scale and scope of the community release model and we think the government needs to increase efforts to trial models of community support that we helped to develop.

The BSL with its specialist refugee centre (EMC) stands ready to assist and is committed to contributing our significant welfare service experience and knowledge as well as our social policy and research capacity to ensure the national scale up of community based arrangements for asylum seekers becoming the template on how to manage onshore arrivals while their claims are being properly assessed. Our approach centres on building the capacity of families and supporting their positive engagement with the asylum determination process in preparation for all possible outcomes and future transitions. Transitions would be either the settlement of applicants into the Australian community as refugees or the return to their country of origin where claims are found not to be well founded.

Time is critical in framing a new set of policies to address these realities. This relies on acknowledging the unjustifiable human and financial costs of current immigration detention policies

and ensuring the success of the community release model. The BSL therefore recommends that an evaluation be undertaken on community release so as to have available evidence-based data about successful alternative arrangements. This requires testing existing plans at scale which can lead to improvements in asylum, reception and migration management systems. Thus, our response to the inquiry seeks the phasing out of mandatory detention, replacing it with community release and expanded community housing options.

Yours sincerely,

Tony Nicholson
Executive Director
Brotherhood of St Laurence

For further enquiries regarding our response, please contact:

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ⁱ JAS is a broad coalition of more than 30 welfare, church and community organisations that worked for refugee policy reform and increased asylum seeker issues in the community and media.

ⁱⁱ Justice for Asylum Seekers 2003, The better way, refugees, detention and Australians, JAS, Melbourne.

ⁱⁱⁱ Milbur Consulting 2003, Improving outcomes and reducing costs for asylum seekers, Report for The Justice for Asylum Seekers Network, Melbourne.

^{iv} Edwards, A 2011, Back to Basics: The Right to Liberty and Security of Person and 'Alternatives to Detention' of Refugees, Asylum-Seekers, Stateless Persons and Other Migrants, UNHCR, Legal and protection policy research series, PPLA/2011/01, Geneva.

^v Field, O and Edwards, A 2006, Study on Alternatives to Detention, UNHCR, Legal and protection policy research series, POLAS/2006/03, Geneva.