

My name is Brigid Arthur. I am one of the Coordinators of the Brigidine Asylum Seekers' Project, established in 2001.

The following is written from the experience of regularly visiting Immigration detention Centres in Australia for over ten years. I have visited Maribyrnong Immigration Detention Centre (MIDC) on a weekly basis, Melbourne Immigration Transit Accommodation (MITA) regularly for over a year, Villawood Immigration Detention Centre on an occasional basis and Sherger Immigration Detention Centre once for a few days.

I have got to know many individuals during their time in detention and have kept in touch with a number for extended time after they obtained their permanent visas.

I have chosen to briefly address each of the terms of reference because there is so much research material available that the best I can do is reflect on my experience with asylum seekers in detention.

Terms of Reference

Reforms needed to the current Immigration Detention Network in Australia:

a) the impact of length of detention and the appropriateness of facilities and services for asylum seekers;

- *Long term detention has an absolutely terrible effect on people. I have witnessed individuals in despair because of their fear of the future, their worry about their families, their perception that they are being unjustly treated and the sheer frustration of having no control over any aspect of their lives.*
- *Many detainees say to me that they have lost hope and they feel that nothing can be done to help them and that they can't trust anyone because no one ever keeps their word.*
- *The facilities and services are not a primary concern for most detainees. They sometimes complain about aspects of food etc. but virtually all detainees I have known say that the biggest factor by far for them is getting their freedom and being able to get on with their lives, including getting protection for their families.*

b) the resources, support and training for employees of Commonwealth agencies and/or their agents or contractors in performing their duties;

While many of the Serco officers are pleasant people, there are a number who are unfriendly and unhelpful. For example,

- *when visiting MIDC, it is quite common to wait for ages for the person or people whom you have asked to see. When one asks again for the people to be called, staff invariably tell you the detainees have been called. Over and over again when the detainees come out to visit they assure you they were not told they had a visitor.*
- *In order to be able to visit at MITA, one of the boys has to fill in a request form 24 hours prior to your visit. When a visitor wants to see someone, it is necessary to call one of the boys and ask them to fill out a request. This is difficult, as the phone often doesn't work, so you have to call through reception and ask them to lodge a request.*

- *the staff at MITA seem to me to be insufficiently trained to engage young teenagers (having said this, a lot of the staff are kind to the young people and a few are very gifted in dealing with them).*
- *DIAC officials are sometimes very helpful. On the other hand I have been with asylum seekers who have been treated by DIAC staff very harshly.*

(d) the health, safety and wellbeing of asylum seekers, including specifically children, detained within the detention network;

Virtually all asylum seekers in detention, after a short time, become anxious, suffer various physical symptoms and cannot sleep well or concentrate.

My experience with adolescents in particular is that after a fairly short time in detention they become depressed and angry; adolescents are much less able to cope with lack of freedom than adults although many of the same symptoms become obvious with virtually all detainees given time.

(e) impact of detention on children and families, and viable alternatives;

It seems to me that education is an essential offering to give young people while they are in Australia. However I now believe that it cannot be effectively offered when they are in detention. At MITA, there is some English offered via AIMES and, at different times, some English teaching is done at the Centre. So, although some form of schooling is offered four days a week, the boys complain that school does not target their particular needs, and that they start again over and over again whenever new boys come. A lot of the boys don't go to classes because they are still asleep and complain that they can't concentrate. Again as a teacher, I would never try to teach anyone on a sustained basis if they were traumatized – personal and emotional problems need to be addressed before any real learning will occur.

Although Serco claim and probably do offer activities, they are either for, or end up attracting a small number of young people. With the exception of the soccer, there seems to be very limited purposeful activity. The soccer activities are good as they are targeted to the boys' interests. Serco has organised outside teams to come in and play the boys, and sometimes the boys will form their own teams and play each other. This is something that the boys seem to enjoy. The ones who like swimming also enjoy that excursion.

As a teacher, I have a lot of sympathy in trying to engage adolescents in a detention Centre. That emphasizes my contention that detention is a cruel and unnecessary thing to do to young people.

The worry for detainees about their families is not just general; I have had many men say about their families "I don't know what they are eating. All night I walk around worrying about if they have a safe place to sleep."

(f) the effectiveness and long-term viability of outsourcing immigration detention centre contracts to private providers;

One of the problems throughout the whole system is that no-one ever seems to be able to make a decision, even though the circumstances obviously require a decision.

I do not believe that Australia should out-source the staffing of detention centres.

(g) the impact, effectiveness and cost of mandatory detention and any alternatives, including community release;

The Project I help coordinate is small. I believe it is very successful in giving asylum seekers some security, some support, friends who know them as individuals and it lessens the trauma for people who find themselves in a very vulnerable position. People who arrive with visas live in the community – and indeed are virtually absorbed into the community while their applications are being processed. Those who cannot get a visa to come with (or are instructed by agents to destroy them) usually end up being recognized as refugees and given a permanent visa – so why can't they also live in the community while their applications are processed.

(h) the reasons for and nature of riots and disturbances in detention facilities;

the anguish of people is mainly manifested by withdrawal, where individuals spend a lot of time in their rooms, often not eating regularly, staying up most of the night and sleeping during the day to minimize 'time to think'. However, for some few people the frustration of insecurity, fear of rejection and worry mean that they are ready to join any protest that is on hand.

(i) the performance and management of Commonwealth agencies and/or their agents or contractors in discharging their responsibilities associated with the detention and processing of irregular maritime arrivals or other persons;

I have met so many people in detention where it seems inhuman to keep them there eg. A Tamil man in Scherger who is virtually deaf (hearing aid appears not to work) and is also a bit handicapped; he couldn't hear any TV; his deafness came on about 10 years ago; he is 47 and not married; he was twice rejected; his cousin (also in detention) was looking after him; he had been detained in Perth for 4 months – now mentally impaired but no-one seems sure when that impairment began; he was tortured by the military in Sri Lanka more than 10 years ago and hit on the head so that may explain his present state. His cousin was accepted by UNHCR in Malaysia but rejected at his first hearing in Australia.

If individuals are ill, they should not be in detention centres. I have visited a person who has been over a year in detention after his leg was amputated, another who is blind and I understand his eyesight deteriorated from 30% sight to virtually nil while in detention because he was not given treatment that could have saved his sight. I have often sat and talked to men who can barely concentrate because of their extreme anxiety.

I could repeat dozens of such examples. It seems extraordinarily cruel to 'incarcerate' such people (because that is what it amounts to).

People in very depressed states are kept in detention. I have questioned these practices with DIAC and have been assured that:

All people in immigration detention are provided access to health care at a standard generally comparable to the health care available to the Australian community.

I recognize this as a statement from DIAC's policy. However, no-one else (except those in jails) are locked up – so the reference point is hardly useful!

I can only reiterate that I think putting detention centres in remote locations is particularly obnoxious.

(j) the health, safety and wellbeing of employees of Commonwealth agencies and/or their agents or contractors in performing their duties relating to irregular maritime arrivals or other persons detained in the network;

Two employees (in the health service) whom I have talked to told me in confidence that the pressure was unbearable. They assured me they would be sacked if anyone knew they were talking to me.

One Serco officer who talked to me said he was about to resign. He said he could not cope with the lack of professionalism and skills of the people employed by Serco. He was a person who had run his own business, had begun working for Serco with no particular sympathy for asylum seekers but said no-one should be treated the way some officers were treating the detainees.

Many Serco employees have said they could not wait to get back from places like Christmas Island but the pay was good and one could put up with it for six weeks.

(k) the level, adequacy and effectiveness of reporting incidents and the response to incidents within the immigration detention network, including relevant policies, procedures, authorities and protocols;

There are some very good individual people who work for DIAC and they do their best to respond to requests for assistance for detainees. However one usually gets the impression that they cannot make any decisions that do not fit the 'rules', and that almost everything needs the Minister's permission.

(l) compliance with the Government's immigration detention values within the detention network;

The following values are obviously not being complied with:

- Children, including juvenile foreign fishers and, where possible, their families, will not be detained in an immigration detention centre.
- Detention that is indefinite or otherwise arbitrary is not acceptable and the length and conditions of detention, including the appropriateness of both the accommodation and the services provided, would be subject to regular review.

- Detention in immigration detention centres is only to be used as a last resort and for the shortest practicable time.

Children have been in detention for extended periods of time – some well over a year. Detention of adults is indefinite (in that the detainees have no time-line for a resolution of their cases). It is long, protracted and seemingly never ending for the people I visit.

(m) any issues relating to interaction with States and Territories regarding the detention and processing of irregular maritime arrivals or other persons;

Not sure where there is any interaction. Everything seems very Commonwealth controlled to me.

(n) the management of good order and public order with respect to the immigration detention network;

there is a perception among detainees that the more compliant you are, the less likely it is that the authorities will grant community detention or a Bridging visa – or even a Permanent visa. Most detainees are very respectful of authority so far as I can see. There are practices that aggravate detainees and make them feel alienated eg. Calling them by their boat number,

(o) the total costs of managing and maintaining the immigration detention network and processing irregular maritime arrivals or other detainees;

ABC Radio News (774 Melbourne Friday 10 June 2011 @ 5.00 pm) reported the average cost of keeping a person in detention as \$339.00. From comparative figures we have studied (and these differ quite a bit), this seems a reasonable figure to take. I note this year's budget papers for DIAC is \$1,769,000,000. I understand that blowouts to this total figure are already predicted – especially in the light of Manus Island, Malaysia and so on. As someone who has supported asylum seekers in the community (including housing many) I am staggered by the costs involved and believe we could provide a much more humane, just and equitable system with much less money. We spend a lot of money on the wrong things.

(p) the expansion of the immigration detention network, including the cost and process adopted to establish new facilities;

The last thing we need is an expanded detention network. We are building a whole industry around defenseless people – an industry that will be difficult to dismantle. It seems that the main criteria for any expansion is being remote from any community support. This is extraordinarily harsh on asylum seekers (who apart from staff) rarely see an ordinary member of the community and hard also on staff (except for the high wages they receive).

(q) the length of time detainees have been held in the detention network, the reasons for their length of stay and the impact on the detention network;

The whole length of time in detention (and indeed most of the system) seems more like a lottery than anything else. As many of those who have come via Christmas Island say 'people who have been on the same boat, from the same areas, get visas and others are refused, some who arrive at the same time have totally different times in detention

(r) processes for assessment of protection claims made by irregular maritime arrivals and other persons and the impact on the detention network;

I have known individuals who have waited months because it was claimed they were not the people they claimed to be and then they were given visas – presumably because their identity was accepted.

Those refused by ASIO seem to be left in total limbo and they feel isolated and hopeless. After having been accepted as a refugee, they are still indefinitely detained. Is there any resolution of this for these poor people?

As part of the IAAAS scheme, some detainees get lawyers who spend a lot of time on their cases and present detailed information about their clients experiences and others get lawyers who do minimal work and their applications look more like a ‘cut and paste’ than a serious exposition of their claims.

The members making decisions at RRT and the IMR stages range in the approach they take from a totally skeptical and aggressive manner to a calm and pleasant listening demeanour. I heard one say something like: “I may appear to doubt all you say but I need to warn you that you will need to convince me that the apparent case against you is not true.” He then proceeded to virtually accuse the detainee of lying and inventing a case. The detainee has since been given a permanent visa.

Several of the RRT interviews I have witnessed have been excruciating for the asylum seekers. It felt like witnessing a criminal case rather than giving a hearing to a person seeking protection.

(s) any other matters relevant to the above terms of reference.

- *The whole process is flawed, inconsistent, arbitrary, lengthy*
- *Isolation denies opportunity for ordinary social interaction and support*
- *There is limited opportunity for detainees to put their case because of lack of knowledge of law and no preparation from lawyers and seeming lack of care from some lawyers who are part of IAAAS scheme; some lawyers putting in scant detail*
- *The IMR review process in particular needs immediate review itself – some members giving almost 100% rejections*
- *The deleterious effects of allowing no free movement are multiple*
- *Separating families for years and the families of those detained living in poverty and danger is a human rights issue*