

# Joint Select Committee on Australia's Immigration Detention Network

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## Submission – 23/08/2011

**This is my personal submission, and should not be considered as the views and opinions of my employer.** I have been employed as a Torture and Trauma Counsellor/Advocate on Christmas Island since January 2010. My position description states that I have a role and responsibility to *provide comprehensive and effective clinical services including counselling, advocacy and support to individuals, families and groups* for people detained in Immigration Detention. My motive for making a submission to this inquiry is to advocate for people seeking asylum, this submission reflects my personal views; however my arguments and opinion are based on my professional experience working with the detainees held in the detention network over the past 19 months.

## Terms of Reference –

### ***(a) Any reforms needed to the current Immigration Detention Network in Australia;***

- Increased staff loading within Department of Immigration and Citizenship (DIAC) to reflect the increased numbers of Refugee Visa applications and to enable processing within 90 days
- Maximise the use of Community Detention (CD)
- Families and children and unaccompanied minors (UAM's) direct entry into CD
- Mainland processing
- Increased recreational activities
- Development of a community based work program, enabling asylum seekers access to community work

### ***(b) The impact of length of detention and the appropriateness of facilities and services for asylum seekers;***

- Over the course of the past 19 months I have witnessed the length of time in detention expand from an average time of 4 months to a current estimate of 12 months. The psychological impact on detainees has been catastrophic with a hugely significant increase in mental health disorders, self harm behaviour and suicide attempts by the detainees.
- The Detention Health Advisory Group (DeHAG) and its Mental Health Sub-Group (MHSB) established best practice guidelines for detaining asylum seekers on the basic premise that detention is psychologically

damaging and should be time limited. Asylum seekers have been suffering under the duress of long detention stays and poor facilities.

- For detainees with a history of Torture and Trauma (T&T) the *Immigration Detention Torture and Trauma Policy* has shown that DIAC recognises the need for expedient processing and community detention. However, the reality is that T&T clients are remaining in long term detention for up to 2 years and that the detention experience compounds the previous psychological damage.
- The facilities, in particular the North West Point (NWP) Immigration Detention Centre (IDC) have often been overcrowded and repeatedly expanded in a reactionary manner; this has proven detrimental to the detainees needs. The creation of additional bed space has seen the recreational activities areas reduced repeatedly. The high numbers of detainees have had limited access to overcrowded educational facilities and sporting areas. Class rooms and visiting areas were converted into dormitories with 18 men or sometimes more having to share a room. The one equipped gymnasium at the NWP IDC was expected to service 2000 men.
- Detainees have advised that medical clinics are overcrowded with very limited consultation space, detainees have complained of having psychological consultations in full view of others either in a clinic or in the outdoor enclosure.
- Access to telephones and computers has been very limited due to the increased population in detention. Internet access has persistent service issues on Christmas Island ensuring that connection speed is slow and often unavailable. For many clients housed in compounds far from the library the access to internet at times has been restricted by the long distance from the compound to the library and the race among detainees to book a time slot.

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

- On Christmas Island the facility utilised to detain families, and unaccompanied minors is a disused construction workers camp, hence the name Construction Camp (CC). The facility is inappropriate as it is essentially rows of basic temporary housing joined together with covered walkways. Men, woman and children have spent months at a time in this often overcrowded and hostile environment. 2010 was unseasonably wet and the relentless rain reduced the ability to access limited outdoor areas. Children were reduced to playing in busy walkways, and crowded rooms.

- There are insufficient recreational grounds in the CC, detainees were granted permission from the local cricket club to access the oval and small playground equipment morning and night for specified hours. This privilege was retracted for some months due to complaints of littering, therefore reducing accessible recreational areas.
- Detainees have advised that access to the medical clinic has been limited and often resulted in increased arguments and frustration among the detainees in and around a very overcrowded small work space.
- Access to education was restricted due to limited class sizes, classrooms and teachers. Many children were not offered education due to these limitations.
- Children have been exposed to incidents of violence and self harm within the centre, increasing levels of fear and anxiety among highly vulnerable children.

***(c) Impact of detention on children and families and viable alternatives;***

- The psychological impact of detention on children has long been recognised as negative, DeHAG and particularly its Mental Health Sub-Group (MHSG) developed best-practice guidelines in 2009 to support survivors of torture and trauma including children and families. The policy formulated identified that detention of people in IDC's should be a last resort and for the shortest practicable time and in the least restrictive form appropriate to an individual's circumstances. In short, this has not occurred and children and families endured months of detainment in harsh conditions.
- Detaining families in IDC's devalues the family structure; mothers were unable to cook basic meals for their children at a time when this simple act of nurturing would have provided comfort to the whole family. Families in detention grieve the loss of autonomy and the ability to maintain family customs. The level of parental stress escalates having a negative impact on families and children.

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

- Inadequate Communication: detainees have advised that they have had difficulty accessing DIAC case managers for regular feedback on their cases. The detainees have been kept uninformed of their individual cases for months at a time with detainees complaining that they are being kept "in the dark" about their own futures. This poor communication has had dire consequences and has created an atmosphere of fear and mistrust with detainees relying on hearsay and rumour rather than being supplied with regular facts.

- Limited staff increases: as the numbers of asylum seekers grew the number of Serco and DIAC staff failed to increase adequately. This led to growing frustration among detainees who were experiencing the length of their stay extend and their living conditions deteriorate. Serco officers were expected to manage expanding numbers of detainees and DIAC case managers were expected to manage unrealistic case loads.

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

- Value 3: *Children, including juvenile foreign fishers and, where possible, their families, will not be detained in an immigration detention centre*
- Value 4: *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*
- Value 5: *Detention in immigration detention centres is only to be used as a last resort and for the shortest practicable time*
- Value 7: *Conditions of detention will ensure the inherent dignity of the human person*

The immigration detention values were developed as a framework under which people in detention would be treated with dignity. With respect, it appears that even with regular review procedures the above values have not been honoured. I have witnessed children, families and single men and women being kept in detention in conditions that are far from meeting *the inherent dignity of the human person*.