



"I was a stranger and you made me welcome..."

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

4th June 2020

Dear Secretary,

Please find attached this submission on

Migration Amendment(Prohibiting Items in Immigration Detention Facilities) Bill 2020.

BACKGROUND

We write from the perspective of advocates who for 20 years have visited people in detention centres all over Australia and Christmas Island to offer comfort and support. As members of the Immigration Department's Community Consultative Group at the Melbourne Immigration Transit Accommodation (MITA) and now closed Maribyrnong Detention Centre in Melbourne, we met quarterly with SERCO, IHMS and ABF to discuss policies and issues in the camps.

We were allowed as Designated Persons to take people out of detention on excursions to parks, cafes, visits with friends and family, picnics and zoos. No one escaped or was harmed in the 5 years of this program. This program was closed when Border Force took over Detention Centres.

MANDATORY INDEFINITE DETENTION

Any examination of the conditions of immigration detention centres cannot ignore the human consequences of this policy of Mandatory Indefinite detention. Hundreds of people

are told that they will never be released to freedom. Some are stateless and others are designated refugees unable to be returned. The department has tried and failed to secure removal as countries have refused entry to people they do not recognise as citizens. There are now people languishing in detention for up to eleven years with no country to take them and the Minister refusing to release them into the community. There is no plan for these people in this indefinite detention situation. We have witnessed the mental and physical deterioration of people in long term detention as their spirits break and hope disappears. Their connections to family and friends through their mobile phones are the last threads which hold them together. It is for this reason that we write this submission to present the arguments for the retention of the right to have a mobile phone to allow freedom of communication when all other freedoms are denied.

CONCERNS

M – If they take away my mobile, I will slowly die. I need it to talk to my friends and family. I use it for 7 hours every day. Without it I have nothing.

In this submission we address a particular concern with this Bill namely that it is aimed at denying mobile phones to people in detention. The consequences for these people are that they will suffer harm by loneliness, social isolation, and risk of injustice by not having legal advice when it is most needed.

After 20 years of visiting and being involved in discussions around detention we have seen administrative Immigration detention become a highly securitised and prison-like place. The people held in these centres are subject to constant surveillance, counted and checked three times daily. Their rooms are entered at 11pm and 5am for checks. They no longer leave the centre except for urgent hospital care and even then, they are routinely restrained with metal handcuffs and escorted by multiple Serco guards. No one has been allowed to attend church, mosque or temple since 2014. Since March 24, no visitors including family and children have been allowed into the detention centres because of Covid19.

Every aspect of life is regulated including food and clothing. Birthday cakes and flowers are prohibited things. Personal iPad and computers are prohibited. Musical instruments, craft equipment, paint brushes, knitting and sewing things are prohibited. Every aspect of life is subject to scrutiny and search without notice.

REASONS TO RETAIN MOBILE PHONES

To understand the reason why Mobile phones are so meaningful to those in detention it is helpful to have a glimpse of life behind the locked gates and fences. Detention life is boring with few meaningful activities. There is no personal space. People share bunk rooms and dormitories. The bunk rooms at most centres are 2.5 metres by 2.8 metres. These rooms are broken down into compounds in MITA of groups of up to 60 people. Here they are locked down and separated in a prison-like environment with guards and cameras watching them constantly. When they are required to go to another area they are physically escorted through multiple locked gates by guards.

There is no space for privacy or quiet. There is a television in the kitchen activities area, but this is so noisy that people use the centre's computers to watch films which makes landline phone access difficult. Mobile phones keep people sane in that they allow contact with families and friends outside. They enable parents separated from children to see their faces and for their children to see their parents.

M- I was on Christmas Island with my friend when his wife had their baby. Now he is 7 years old. My friend talks to his son all the time. He watches him grow on the mobile picture. He says I want my son to know he has a father who loves him.

There are men and women in immigration detention who have not seen their children for years. They left Afghanistan and other places like Burma, Sri Lanka, Syria, Palestine when their children were babies and now years later, they are teenagers. These parents grieve the loss of their children, at least with mobile phone they can see their faces as they talk to them. In many countries from which the refugees have come, mobile phones are the only method of communication. Contact with families is essential for their mental health and to keep hope alive.

My baby's father is not allowed to visit for more than 2 months. We can only talk and play on the phone with him. She can see her daddy on the phone.

Mobiles enable people in detention to seek legal advice and to meet legal timelines and to send documents and information. Without mobiles, people become virtually uncontactable. Inward calls must pass through the reception desk guards who then look to find the detainee among hundreds in different compounds, calling them to a phone and waiting for a connection. This is time consuming and often unsuccessful. Mobile phones relieve staff of this tiresome process. Mobile phones are used for internet access also as the computers in the camps are notoriously slow and always occupied.

S- All the guys say that they cannot survive without their phone- there is nothing to do here.

OVERVIEW of LIFE IN DETENTION CENTRES

We include this overview of a day in an immigration detention centre to illustrate why a mobile phone is an important lifeline to people who exist in indefinite detention. People use the phones not only as an instrument of communication but also to pass the time, playing games and watching films in lieu of the meaningless activities on offer.

The day starts at 9 am with “activities” with which detainees can earn 2 points which can then be used to buy phone cards, cigarettes, shampoo or snacks. Attendance is required for 45- 60 minutes and attendees must queue up to sign register.

- Activities may vary slightly at different camps throughout Australia.
- Coffee club – must stay 45 minutes- don’t have to drink coffee
- English class usually a paper to fill in or we see a film
- Sometimes Art - colouring in only-pencils allowed. Paints are prohibited. Not allowed to have art things outside the room.
- Gym for one hour but because there are not enough machines so this can become an area of conflict so many avoid the gym.
- Sometimes Bingo or playing a game
- Sometimes Women can paint their nails- nail polish not allowed outside room.

These ‘activities’ are broken up by queueing for medication rounds and meals. The people in detention tell us that they spend most of their time in their room on the bed, especially the long term indefinitely detained.

LANDLINE PHONES NOT SATISFACTORY

Detention centres do have landline phones but there are reasons why these are no substitute for mobile phones. In Bass 1 and Bass 2 compounds at the MITA, there are 7 phones each for 60 people. They are placed in a row in the computer room where people watch films. This space is noisy and offers no privacy for distressed people to talk to their families and supporters.

https://www.ombudsman.gov.au/_data/assets/pdf_file/0017/109700/Immigration-Detention-Over-sight-Report-January-to-June-2019.pdf

WHO WILL BE AFFECTED BY REMOVAL OF MOBILE PHONES

The latest published detention statistics are from 31st March 2020,

<https://www.homeaffairs.gov.au/research-and-stats/files/immigration-detention-statistics-31-march-2020.pdf>

These show that 40% of the current detention population have been detained for more than one year, many for up to ten years and more. They also show that over 40% are people seeking asylum either by boat or air and waiting for their cases to be opened or heard. Mobile phones have become a lifeline to friends and family as well to contact legal support. They are their most treasured possession in detention.

Refugees in long term detention are being held indefinitely. There are very few releases even for those with positive decisions from the Court and Tribunal. The refugees from Offshore camps are told that they will never be released in Australia. To remove mobile phones from these vulnerable people will cause untold misery. We fear the consequences if people are denied this valuable link with their family, friends and supporters. It is what holds them together in the face of an indefinite loss of freedom.

We ask that you do not pass this legislation on the grounds that it will cause serious harm and because there are already laws in place to deal with any improper use of phones and extreme surveillance is in place to detect this.

Yours Sincerely

Sister Brigid Arthur csb

Brigidine Asylum Seeker Project

Pamela Curr (OAM)

Victorian Women's Honour Roll