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SUBMISSION INTO THE REVIEW OF AUSTRALIA'S AGREEMENT WITH MALAYSIA IN RELATION TO ASYLUM SEEKERS

Thank you for the invitation to provide a submission to the Senate Committee on Australia's agreement with Malaysia in relation to asylum seekers. The Canberra Multicultural Community Forum Incorporated (CMCF) is pleased that this review is underway, particularly in light of recent policy failures on this matter. Offshore processing, particularly in a nation that is not a signatory to the UN Refugee Convention, is not a solution, merely a political point scoring opportunity.

Australia's treatment of vulnerable people, including asylum seekers and humanitarian entrants is a fundamental reflection of our nation's commitment to democracy and humanity. In recent years, Australia's treatment of asylum seekers has not reflected our nation's values, such as those of fairness and equality. We gladly welcome the opportunity to propose changes to improve Australia's asylum seeker policies and programs.

CMCF recognises the importance of developing and implementing a new and comprehensive refugee, asylum seeker and humanitarian entrant policy. This policy should be based on meeting our international humanitarian obligations, ongoing collaboration with the community, adoption of a more strategic risk-based approach to application processing and a reassessment of the current costly commitment to mandatory detention. We commend the Committee for seeking to work with the community to develop a solution.

The Villawood riots, the incarceration of asylum seekers in prisons, the Christmas Island tragedy, overcrowding in our current immigration detention centers, the stalled and potentially illegal Malaysian solution, and the 1,000 children currently in detention centers are all evidence of a failed system. CMCF has a strong interest in resurrecting this system and supporting the health, safety and wellbeing of asylum seekers. We are also interested in ensuring the wellbeing of Commonwealth employees, community organisations that work with refugees, multicultural organisations and the broader community. The current system does not support the wellbeing of asylum seekers nor the broader Australian community.

We believe that this review provides an opportunity to address the substantial problems with Australia's current asylum seekers processes, in particular, the:

- over politicising of immigration issues, whereby policy solutions to asylum seeker matters are developed with limited strategic insight or consideration of the law;

- use of off-shore processing, which is not a humane, cost-effective, productive or appropriate option;
- lack of independent review of detention centre standards both in Australian and overseas, should this option be pursued;
- use of mandatory detention as a measure of first rather than last response;
- detention of women and children;
- significant costs of the current asylum processing arrangements and even greater cost of proposed off-shore processing;
- indefinite and often prolonged nature of detention, which is only likely to increase with off-shore processing;
- lack of recourse whereby detainees can challenge the grounds for their detention;
- issues relating to the absence of transparency, equity and justice in the refugee status determination process;
- significant delays in processing asylum seeker applications; and
- lack of adherence to published Commonwealth principles and values that support the prompt and transparent processing of refugees, asylum seekers and humanitarian entrants.

Despite the proposed Malaysian off-shore processing option, CMCF notes that the current Immigration Detention Network is comprised of seven detention centres, three residential housing locations and fifteen alternative accommodation options. That said, we understand that a number of asylum seekers and humanitarian entrants are in State prisons. While there are a multitude of issues to be addressed, in summary, CMCF recommends that reforms to Australia's current immigration and detention network should:

- be part of a broader strategy to promote multiculturalism and the value of cultural diversity;
- not be based on any off-shore processing options, as they are not cost-effective, do not meet international human rights standards, are inappropriate for vulnerable people (particularly women, children and victims of war and trauma) and are bad policy;
- implement a risk-based approach to provide practical, flexible, positive and cost-effective options to process asylum seekers in Australia;
- use detention centers as an option of last resort only when community placements are not appropriate for a small number of high-risk asylum seekers;
- end the indefinite nature of detention, by setting maximum time limits that apply to all detainees;
- stop detaining women and children and house youths in the community, with a view to promoting participation in education, employment and the community;
- support the unification of families, by removing family units from detention as soon as possible;
- support the continuation of Australian-based residential and detention center options that are primarily located in rural areas;

- upgrade current Australian detention and residential housing options, with a view to more cost-effective community-based solutions;
- support better transparency and public awareness of asylum seeker issues, through community collaboration, use of social media, and involvement of the broader media in detention centres and community housing;
- consider community and/or workforce obligations for asylum seekers as a means of integration and a mechanism to recoup the costs of providing accommodation;
- provide better training, guidance and support for Commonwealth employees, community organisations and the broader community; and
- improve public reporting and continuous evaluation of processing, detention and community accommodation activities.

In conclusion, CMCF's role is to represent the needs and aspirations of Canberra's multicultural community, while celebrating its achievements and fostering a spirit of cooperation and harmony. In this role, the CMCF has a key responsibility to support ethnic communities and people who have experienced the refugee and migration processes. Given this role, CMCF is keenly interested in reforms to improve Australia's asylum seeker policies and processes. That said, Malaysia is NOT the solution. We would be more than happy to appear before the Committee to elaborate on any of the reform issues that we have briefly identified.

Dianna Rahman
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