

Submission to the Joint Select Committee on Australia's Immigration Detention Network

Submitted by:

Justine Davis
Community member

This submission is based on my direct contact and experience with children, (including unaccompanied minors), families and single adults in immigration detention in Darwin, as well as ongoing contact with DIAC, SERCO and organisations working with people in detention.

I have been actively involved in supporting and advocating for people in detention in Darwin since August 2010. I am the coordinator of a local support and advocacy group (DASSAN) and represent DASSAN at the Northern immigration detention community engagement committee. However the submission represents my views and not the views of DASSAN, who have provided a separate submission.

I regularly meet with DIAC and SERCO as well as other organisations working with people in detention in Darwin. I also visit people in detention as a community volunteer, and have done this at the ASTI (now closed), the DAL and the NIDC.

I am aware that many organisations and individuals, including those Darwin based, have provided submissions which address many or all the terms of reference and contain academic research, and comprehensive information and strategies.

This submission focuses on stories from people in detention, used with their permission. It is submitted with gratitude to them for sharing these stories, respect for their courage, and hope for their future.

“ These people have come here seeking sanctuary, The only thing they have is their life. They passed away a dreadful travel to come here, They have left their dear family, And also all of their memories. Because there was no way out. And not another choice. They are looking for peace, not just food. “

(17 year old detained in Darwin, granted refugee status after 16 months)

(a) any reforms needed to the current Immigration Detention Network in Australia;

I believe the indefinite nature of detention is unjust, damaging and needs to end.

When people arrive (by any means) , health, security and identity checks should be done within a maximum of 30 days

Any detention after this period should be decided by independent judicial review.

Children and their families should not be in detention at all, including in alternative places of detention

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

As Darwin Magistrate Trigg said this Monday, hearing a case about an alleged assault at the NIDC “the asylum seeker must be angry and frustrated about having been detained for 21 months waiting for ASIO security checks, despite being granted refugee status more than a year ago.”¹

Many of the people we have contact with in the ‘ detention network’ have been detained for more than 20 months.

I note that the average length of stay for people granted protection visas was 316 days for January – Jun 2011. This is more than two and a half times longer than the same period in 2010. I reiterate that people should not be kept in detention for longer than 30 days maximum.

“ When I came. I was hopeful. I learned English. I spoke to my family. Now my father and brother have been killed, I am here, I cannot help them. I have been locked up now for 15 months. I feel there is no point to go on. I have lost my family and my spirit”

UAM, ASTI, Darwin 2011

¹ <http://www.abc.net.au/news/2011-08-15/20110815asylum-seeker-court/2840168>

"I say my best regards to this country which is very different to my county. Australia is like this because of the people who are government here. They do the best for this country, Sometimes they do what they don't even believe it - if it is necessary for their country, even though it is not according to human rights. For example, they keep refugees, who have come here because they had no way out, in a very bad situation, Some of these refugees have little children, Some of these refugees are under 18. In appearance the government gives them food and a place to live. But in reality something else is happening. " (17 year old detained in Darwin, granted refugee status after 16 months)

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

Issues raised in the Comcare report are reflected here in Darwin. Many SERCO and other contracted workers talk about the lack of support and training they receive.

It is essential all Serco staff should undergo comprehensive torture and trauma training in order to give them a better understanding of the experiences and state of mind of the people that they work with. Such training would assist guards in understanding the reactions and thought processes that can occur from sufferers of torture and trauma.

All Serco staff working with children, including UAMS, should receive training in working with young people. Many of our members have witnessed highly inappropriate behaviours by guards to children young people, including grabbing small children, swearing at teenagers, telling a UAM to 'grow up', and other aggressive and inappropriate behaviours.

I also recognise the stress that Serco and other contracted workers are under, and believe that there needs to be adequate and appropriate training and support for these workers. The impact of vicarious trauma is well documented and I am regularly contacted by Serco and other contractees telling their stories:

"I never thought I would be asked to treat people this way"

"The system is rotten. Some days I cannot face going to work. Of course these blokes are on the roof. Wouldn't you be? I am a mouthpiece for something I can see is wrong"

"I worked for 7 hours without even the chance to go to the toilet. Of course that is not in my contract – but they said there was nothing they could do about it. Of course I was pissed off – with everyone, including the clients, by the end of that"

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

Like many other people, I welcomed the Ministers announcement last year that no children would be kept in detention. I regularly visit children and young people who are depressed, anxious, unclear about their future and I see them shift from hopeful to hopeless.

"I am a Hazara young man, from Afghanistan. I am scared and confused. I cannot sleep and have headaches all the time. Sometimes I self-harm. Before being placed in detention, I used to drink a lot. This is when I was in Malaysia and Indonesia, before I turned 15. I was suffering a lot in that time, since I left my Family at age 11. Now, smoking brings me comfort. A few weeks ago, I saw the death notice and photo of a childhood friend of mine. Before leaving my Family, I used to practise as an artist and wanted to be an accomplished artist. I had not painted until a volunteer brought me some paints about 1 month ago. At times this helps. I have a lot of pain and want to share messages with the Australian public, hoping they will join with me as fellow human beings and speak up for me. Mostly though, I am not in a mood to do anything. I am constantly worried and nervous. I had an interview about my application last week and await an outcome. I so badly want to be outside, seeing how people live. I want to learn to live again. Being detained is unbearable. I hope that you will take my message to your leaders. " (15 yo Hazara boy detained in Darwin)

Many of the young people we visit have unsuccessfully requested support and access to learning over a long period of time:

" since i came to australia i could not study, i have been about 4 months in christmas island and we do not had any book to study and 7 months here and we do not had any book to study i have some money but serco took them since i came to australia about four months ago i wrote a request to serco to buy two english book for me form my persenalty money but i still wait for these book and they did not buy any book for me,and they not allow me to study.

when i arrived in darwin i wrote a request that they allow me to go to school and four months ago they told me that they want to arremgament a plan to send us to school.

i waited for this four months.

ten days ago the all UAMs went to achool and they not allowed me to go,they told me you be eightteen in 22/may/2011...bout im still 17.i spoke with my ceas maneger and

serco and they told me it is rule but i thing it is not fire and that time i have been verey sad and i went to a quite pleace,and i cried i thouth with my self who made me refugee , who force me that i left my home countre and my lovely familey i do not wanted to came here but i had to came here to safe my life and i asked a lot of qoustion like this from my self, because they made my crazy.....i should mantion im from Afghnistan but i was borne in Iran,,,when i was in Iran the Iranin Government not allowed me to study because i dont had ID,and i was afghani,when i was in Iran more than ten time i tried to stuady but they not allowed me.and i have verey bad memory about my past life and study.” (Hazara young man, Darwin)

While older children are now attending school , we believe that children remaining in detention aged 3-5 should go to preschool because they are vulnerable and socially isolated.

The impact of detention is clearly described by this young man:

at the day i staying in my room and i don't like to speak with anyone .. and during the night i am going to car park and runing about two or three huor and sometims more... if i stay in my room a lot's of bad thing happen come to me and i try to leave my room and runing is the good way to stop thinking. i trying hard to keep happy myself..im going crazy...but i am withing for your help..

It is also important to note the DIAC data is divided into under 18s and over 18s with an assumption that over 18s are adults and should be treated within adult systems and services. There is often uncertainty about age determination and I believe that there should be youth specific services for young people 18 to 25 years old. In particular we believe that people should not be transferred to the NIDC in Darwin the day they turn 18, and that they should be able to continue to attend school (as people over 18 in the community do). DIAC has stated to me that when there is confusion there should be a presumption that benefits the asylum seeker until the matter is finalized. I have visited people where this has not been the case.

One young man I have visited has had great confusion about his age determination. He has been told since his arrival on Christmas Island 17 months ago that the department considers him a UAM, then an adult, then a UAM. This changed sometimes weekly and meant that one week he was able to go on excursions with UAMs, and the next week not. He was not allowed one week to have his 18 year old friend in his room at night when he had a nightmare:

Dear Justine one of my friend is in detention about 14 months,he is going crazy,when he heard I will leave Asti as soon as,he be upset,one night befor last night and last night he called to me about 3:00 in the morning and said I had dad dream and I am scary,and

then I went to his room and spoke with him until morning, most of time when he is upset I try to help him, but Serco told me you not allow to go XX's rooms because you be 18 yeas old, If I leave him who wants help him after me

Two weeks earlier, this friend had not yet turned 18, and he was not allowed to go to his friends room at night because at that stage they said his friend was over 18.

He was also not allowed to attend school because of the lack of clarity regarding his age.

I also want to draw the Committees attention to the terrible waste it is locking these young people up. Recently one of the UAMS I visited turned 18 and he and his friends had a small party. As a visitor I was allowed to come for one hour and be with them in a small room. They danced and sang and tried to celebrate. I left there with the enduring image of wonderful young men who had been locked up, all for more than a year, because of government policy. I knew that like the vast majority of asylum seekers they would be granted refugee status, which has now happened, and they are all now living in the community with refugee status. They are also all dealing with the damage that they have suffered by being mandatorily detained for long periods with ongoing uncertainty.

Conclusion

Australia is like this because of the people who are government here. They do the best for this country, Sometimes they do what they don't even believe it - if it is necessary for their country, even though it is not according to human rights

I join with this young man in calling for the Government to do what is right, put resources in place to process peoples claims and clearances swiftly, ensure no children are detained, and abolish mandatory detention.