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Dear Committee secretary,

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

I currently works as a researcher for the Australian Strategic Policy Institute (ASPI) and can be contacted for further comment through this organisation. However, the views expressed in this submission are my own.

This submission addresses point (g) of the terms of reference for this inquiry. Namely it discusses the effectiveness of Australia's mandatory detention policy in deterring further unauthorised boat arrivals to Australia.

The deterrent value of the mandatory detention system has been discussed during previous inquiries conducted by the Joint Standing Committee on Migration when this committee investigated Australia's immigration detention system. It is likely that this topic will be discussed again during this current inquiry.

This submission collects together excerpts from my interviews with refugees who had come to Australia as unauthorised arrivals from 1999 to 2003 and were granted refugee status. The interviews were conducted throughout 2005 as part of my doctoral research investigating refugees' interpretations of Australia's border protection and immigration policies.

Although some years have passed since this research was conducted there is little published on the deterrence impact of the mandatory detention policy. Thus this research still provides a valuable insight into why this policy fails to deter some asylum seekers from coming to Australia via smuggling routes.

Many of the excerpts and observations included in this submission have been published by me in my doctoral thesis *Sending a Strong Message? The Refugee's Reception of Australia's Immigration Deterrence Policies* (2008) and in her research article 'Sending a Message? Refugees and Australia's Deterrence Campaign' in the Journal *Media International Australia*.

Yours sincerely

Roslyn Richardson

Research summary

The aim of the study was to investigate how refugees interpret Australian policies and information campaigns that are designed to deter further irregular migration to Australia. The study involved interviews and focus groups with 27 refugees who had come to Australia as unauthorised arrivals, predominantly by boat.

These respondents were asked what they knew about Australia and our policies before they arrived and why their pre arrival knowledge of certain policies did not stop them from coming to Australia via smuggling routes. Lastly, the respondents were asked what they would tell other potential boat arrivals about these policies.

Why detention did not deter – lack of knowledge

Before arriving in Australia, eleven of the respondents knew that they would be detained by Australia upon their arrival. However, the respondents stated that their pre arrival impressions of detention were inaccurate and often based on rumour.

One woman, for example, understood that she would face only "40 days quarantine" (Iranian interviewee 28/06/05). At least one respondent assumed that the detention system in Australia would operate like the immigration detention arrangements in other Western countries:

> **Roslyn**: and did he [the smuggler] tell you anything about detention?
>
> **Interviewee**: 'You know you can eat and drink and after that you can go for a walk and return back to sleep'. In Europe like that.
>
> **R**: Like the detention centres in Europe?
>
> **I**: Yes. (Iraqi respondent, interviewed 12/07/05)

Most respondents believed that they would only be detained for a short period of time when in fact, many were ultimately detained for six months or more:

> "All that they [the smugglers] said was just when we came from Indonesia on the boat, they said 'as soon as you get to Australia they will put you in detention for some time and then you will be released'." (Iraqi respondent, interviewed 15/07/05)

> "Just someone said maybe you stay in detention centre for a few days, not for three months, five months, six months." (Afghan respondent, interviewed 9/10/05)

Why detention did not deter - detention was preferred to returning to persecution

For some respondents any length of time they anticipated they would spend in detention was preferable to returning to their home countries where they had faced persecution:

> "As I told you, because this was a decision for life, for if you are sure that you will be killed, you will 100 per cent prefer to be detained. And of course I knew that I will be detained for maybe a month or years – I don't know. But I won't be killed, they won't kill me, Australia will not kill me." (Afghan respondent, interviewed 17/10/05)

> **I**: Because what we saw in Iraq, we can stay in detention [laughs] one year, two years, that not a problem [laughing]
>
> **R**: So life in Iraq was so bad that…?
>
> **I**: Yeah, detention it was more better. (Iraqi respondent, interviewed 02/08/05)

Why detention did not deter – seen as unavoidable / has a purpose

Some respondents did not view detention to be a deterrent because they believed that it served legitimate purposes including allowing the Australian authorities to perform health and identity checks. As such, the notion that they would be detained for a period of time seemed reasonable to these respondents.

For the respondent, quoted below, detention was also assumed to be unavoidable because he believed that all Western countries detained asylum seekers. In fact, many of the respondents believed that all Western countries had similar or identical immigration policies.

> **I:** The other thing about this is that detention is for, to recognise you
>
> **R**: So you knew that it had a purpose in a way, is that what you're saying?
>
> **I**: Yeah to recognise you because you are going illegally, that the detention centre is, even in Europe they have detention centres, even everywhere they have them" (Afghan respondent, interviewed 11/11/05)

Why detention did not deter - the negative impact of detention is not anticipated

Some respondents stated that although they knew that they would be detained in Australia, they had not anticipated how bad the detention environment would be:

> "So I was expecting to be detained when I first came, in a camp for six months to one year but not more than this. I never thought that the camp would be that much hurting. And my daughter suffered a lot in the camp as well". (Iraqi respondent, interviewed 01/08/05)

> **R**: So you didn't know what it [detention] would be like?
>
> **I**: No, the only thing I know was there is detention centre, we call detention centre [word in Dari] in our language, that they give you everything, there is no torture, there is no hitting, beating, and they put you there for the needed time.
>
> **R**: So it's like a camp?
>
> **I**: A camp yes. All we heard like that… We saw that it was totally different. Because you know, when you are on [the] outside, your expectation is really, really high; it's exaggerated. But… coming in the detention centre they treat you worse than an animal, it's a prison. (Afghan respondent, interviewed 11/11/05)

The quotes above should not be interpreted to suggest that Australia should maintain deplorable conditions within its detention centres for the purposes of deterrence. As the quote from the Afghan respondent above reveals, asylum seekers tend to have exaggerated understandings of the conditions that await them in Australia.

Such exaggerated beliefs caused some respondents to dismiss any negative information they received about Australia pre arrival. Some respondents were warned before they came to Australia that conditions in detention would be bad. But it is obviously difficult to anticipate how bad this experience might be until one is in the midst of it.

Why detention is not understood as a deterrent

Even those who have experienced difficulties as immigration detainees do not understand detention to be a deterrent or a reason not to come to Australia by boat. Surprisingly, some respondents viewed their detention to be, in part, a liberating experience because it was understood to be a step towards freedom from persecution. This included respondents who also stated that they were traumatised by their experiences of immigration detention.

For these respondents the prospect of being detained in Australia was not a deterrent; instead it was understood to be just another trial to be borne on the journey towards freedom:

> "This was probably our best days you can say. In detention we knew that we were safe at least [even though] it was difficult for me [and] we went on a hunger strike"(Iraqi interviewee, interviewed 28/09/05)

As the quote above suggests, the difficulties faced in the detention environment were interpreted against the backdrop of persecution that the respondents faced in their home countries. This affects what the respondents now tell others who seek to come to Australia by boat. Specifically, some refugees, such as the man quoted below, do not deliver a deterrence message about detention,

> "For me I will tell them to come, 'to be alive, come. Don't worry about detention centre [because] no one can kill you… that's all you need'. (Afghan interviewee, interviewed 1 4/12/05)

<u>The deterrence message being passed on from these respondents – a 'packaged' message</u>

Some of the respondents had lost contact with their friends and family overseas so they were unable to pass on any message about Australia to others who might consider coming to Australia via smuggling routes. Nevertheless, most respondents were adamant that they would tell their relatives 'the truth' about Australia's detention policy.

However, this does not mean that detention is described in a negative light; instead, information about Australia is clearly packaged based on the perceived needs of its receiving audience. For example, the Iraqi man quoted below suggested that his family would not believe him if he overplayed the negatives associated with the detention experience.

> "you know if I went back to Iran and said 'don't come, there is a detention centre', you know what they'd think about me? They'd say 'look at this cheap, mean animal. He went over there, he got the [Australian] passport and now he is sweating and crying and he wants to prevent us from having what he has'. And the first thing they'll tell you is 'you are so unhappy, why don't you come back and live in Iran and see how it is like'. So they would never take it seriously" (Iraqi interviewee, interviewed 28/09/05).

Furthermore it is clear that the respondents do not talk about detention in isolation from the other (more positive) aspects of their lives in Australia. When they tell others overseas about Australia they relay a considerable amount of positive information about this country which mitigates the deterrence power of the information that they provide about Australian policies. The quotations below provide examples of this.

> **"R:** And what did you tell them about Australia [when you went back to visit your relatives in Pakistan]?
>
> **I:** It's freedom, it's security here, and the people are nice, health is very good, cleanliness, law and order, things like that". (Afghan interviewee, interviewed 17/10/05)

> **"R:** And what do you tell them [your relatives in Iran] about Australia?
>
> **I:** I tell them just that… we are just very happy, the situation of living is very good, we are very happy, we can work and live like a human, like other Australian people and it's the best way to live in Australia" (Afghan interviewee, interviewed 9/10/05)

Some respondents drew a distinction between the Australian Government and the Australian people; while they felt that the former treated them poorly, the latter were praised for their kindness. For many respondents, their positive experiences of living in the Australian community tended to overshadow their difficult experiences in immigration detention. **Thus a person who has a negative experience in immigration detention will not necessarily send on a negative message to others about Australia or its policies.**

Message sent - Don't come

Only one respondent said that his negative experiences of immigration detention had caused him to tell his relatives to seek asylum elsewhere,

> "I told them 'no way, don't come. If you are coming you're going to be in a detention centre, you're going to be no good'" (Afghan interviewee 3, 4/12/05).

This example suggests that a deterrence message about Australia's detention policy is probably being sent by some refugees to potential boat arrivals. This study also suggests however, that such messages are sometimes ignored by their recipients.

Conclusions

In general the 27 respondents arrived in Australia with a very limited understanding of Australia's deterrence measures. More respondents had heard about Australia's detention regime than any other policy. This finding is consistent with similar studies undertaken in other Western countries which have also found that the majority of asylum seekers know little about their destination country's policies[1].

There are a variety of barriers that prevent potential asylum seekers from receiving such information[2]. Thus one reason why detention fails to act as a deterrent is because the Australian Government cannot easily overcome such barriers and broadcast information about its policies to asylum seekers in other countries.

However, it is clear that even if Australia could send its deterrence message to prospective asylum seekers they would not necessarily view this policy as a reason not to come to Australia via

[1]See Heaven Crawley, 2010, *Chance or Choice? Understanding why asylum seekers come to the UK*, Refugee Council; Alan Gilbert and Khalid Koser 2006, 'Coming to the UK: What do Asylum-Seekers Know About the UK before Arrival?' *Journal of Ethnic and Migration Studies*, Vol.32, No.7, 2006; Tetty Havinga and Anita Bocker 1999, 'Country of asylum by choice or by chance: asylum seekers in Belgium, the Netherlands and the UK', *Journal of Ethnic and Migration Studies*, Vol.25, No.1; Vaughan Robinson and Jeremy Segrott 2002, 'Understanding the decision-making of asylum seekers', *Home Office Research Study 243*, UK Home Office, London, www.homeoffice.gov.uk/rds/pdfs2/hors243.pdf; Kate Day and Paul White 2002, 'Choice or Circumstance: The UK as the Location of Asylum Applications by Bosnian and Somali Refugees', *GeoJournal*, vol. 56, no. 1; Nienke Doornbos, Anne Marie Kujipers and Khalil Shalmashi 2001, *Refugees on Their Way to a Safe Country*, Centre for Migration Law, University of Nijmegen, The Netherlands, www.jur.kun.nl/cmr/articles/vodUK2001.pdf.

[2] For further information on these barriers please see Richardson 2010, 'Sending a Message: Refugees and Australia's Deterrence Campaign', *Media International Australia*, No.135 May

smuggling routes. Detention in Australia is not always understood to be a negative thing by those who seek to come to this country by boat.

It is clear that asylum seekers understand detention in Australia to be a far better option than returning to persecution in their homelands. Some asylum seekers view detention as unavoidable, reasonable and even as a step towards freedom.

Many cannot anticipate how bad the detention experience will be. However, even after experiencing profound difficulties within the detention environment, refugees do not pass on a deterrence message about this policy.

One of the most important conclusions arising from my study is that the Australian Government cannot easily control the interpretation of its deterrence policies nor can it compel refugees to send a deterrence message on its behalf. While the deterrence impact of Australia's immigration detention system cannot be dismissed, this study shows that we should not assume that broadcasting information about the detention environment will have a deterrent effect.