

12 August 2011

Committee Secretary  
Joint Select Committee on Australia's Immigration Detention Network  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia

Dear Committee Secretary

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

Thank you for the opportunity to provide a submission to the *Joint Select Committee on Australia's Immigration Detention Network*.

Save the Children Australia is a member of Save the Children International, the world's largest independent child rights development organisation, working in more than 120 countries towards a world in which every child attains the right to survival, protection, development and participation.

Save the Children Australia was established in Australia in 1920 as a not-for-profit organisation and has been running child-focused programs since the 1950s. We are based in Melbourne with offices and staff in every Australian State and Territory.

#### General Comments

1. Save the Children recognises that the Australian Government has a range of considerations in determining Australia's asylum seeker policy including health, national security and compliance with international conventions that the Australian Government has voluntarily signed.
2. The public debate and political discourse in Australia has been dominated by discussions and commentary about how to deter people from making dangerous journeys to Australia. Bearing this in mind, Save the Children strongly urges policy-makers to develop laws that do not result in the detention of children and which adhere to the Convention on the Rights of the Child which provides that the detention of children must only be used as a last resort and for the shortest appropriate period of time.
3. Save the Children welcomes the current Government's policy to move children out of immigration detention centres. Moving children to community-based accommodation will likely lead to significant improvements in their physical, mental and emotional wellbeing.
4. Save the Children notes that the Government confirmed on 30 June 2011 that it moved 531 children into community-based detention (or 56% of all children in immigration detention). It is unclear, however, how many children remain in immigration detention. Save the Children **recommends** that the Department of Immigration and Citizenship initiate regular reporting mechanisms which provide the following information:

- a. the number of children held in detention and alternative accommodation;
  - b. the ages of children held in detention; and
  - c. the conditions in which they are detained including information about access to health and education services and psychosocial support.
5. Save the Children is also deeply concerned about children in detention who may face deportation to Malaysia under the Australian Government's refugee swap with Malaysia. Malaysia is not a signatory to the *Refugee Convention*. Save the Children is concerned that any agreement between the two countries, including assurances made by the Malaysian Government to protect the human rights of asylum seekers, is simply not good enough to ensure the protection of unaccompanied children. I also note the proposed Papua New Guinea alternative being considered.

#### Specific Comments

6. Specific questions have been posed by the Inquiry which directly relate to children. Save the Children's response to these questions is outlined below.

#### **The health, safety and wellbeing of asylum seekers, including specifically children, detained within the detention network**

7. There is a significant body of evidence which suggests that prolonged detention particularly in isolated locations, poor access to health and social services, and uncertainty of asylum seeker claims can have severe and detrimental effects on the health and psycho-social wellbeing of children. These effects are multiplied in cases where children have experienced torture or trauma.
8. Save the Children requests that the Australian Government commit to the following:
- a. Develop and implement an immediate plan of action to release the remaining children and families in immigration detention by 31 December 2011;
  - b. Amend the Migration Act to ensure that asylum seekers who are children are never subjected to mandatory detention in the future; and
  - c. Revise the current immigration policy to provide clear and specific guidelines as to the exceptional circumstances where detention may be warranted. In doing so, there should be a presumption in legislation (Migration Act) against the detention of children for immigration purposes.

#### **Impact of detention on children and families and viable alternatives**

9. Children held in immigration detention centres are at high risk of serious mental harm. They may witness riots, suicide attempts and self-harming behaviour. Often parents are powerless to comfort distressed children who may experience feelings of hopelessness and depression. In the case of unaccompanied children, there are simply no guardians to reassure them.
10. Save the Children is concerned that the immigration detention environment is not conducive to children's development and education because detention facilities do not provide adequate education services or areas for safe play. These conditions can result in negative long-term effects on a child's development and participation in the community.
11. Save the Children **recommends** that the remaining children and their families in immigration detention centres are released into the community while their refugee claims are processed. Where a parent is identified as a potential security threat, the Department of Immigration and

- Citizenship should consult with child protection experts to make a decision which is in the best interest of the child.
12. Further, Save the Children recommends that the Department of Immigration and Citizenship should provide bridging visas for asylum seekers released into the community to allow them to work so that parents can support their families.
  13. Save the Children also **recommends** that children and families who are released into the community have access to programs which provide play opportunities for children and are targeted at culturally and linguistically diverse families.
  14. Save the Children currently operates a playgroup targeting women and children from migrant and humanitarian entrant backgrounds. The program called *It Takes a Village* (ITaV) operates as a support playgroup model for children and offers a range of classes and life skill workshops for participating mothers.
  15. In May 2009, a team of researchers from Edith Cowan University's Social Justice Research Centre conducted a formal evaluation of ITaV. The aim of this evaluation was to provide evidence to assess the role of the program in building social capital of newly-arrived migrant and humanitarian entrant children and families who participate in the program.
  16. The evaluation feedback from the women reported that through participation in the ITaV program, their children developed social and emotional competence and proficiency in English language. They became able to separate from their mothers, communicate in English and follow instructions, cooperate with other children and resolve conflict in a peaceful manner. The children also improved their literacy and numeracy skills. These are considerable outcomes as social, emotional and language competence is a predictor of a successful, smooth transition to school.
  17. A full evaluation of the program can be found at:  
  
[www.savethechildren.org.au/images/content/where-we-work/Australia/It\\_takes\\_a\\_Village\\_FINAL\\_REPORT\\_PDF.pdf](http://www.savethechildren.org.au/images/content/where-we-work/Australia/It_takes_a_Village_FINAL_REPORT_PDF.pdf)
  18. Where all children are not able to be immediately placed in community-based alternatives, the Government should establish as a priority play-scheme programs within immigration detention centres for children and their families. This will at least give children and their families access to resources that could reduce the impact of the trauma experienced in immigration detention and provide valuable skills for living in Australia.

### Conclusion

19. Save the Children Australia will continue to campaign for changes to the legislative framework to ensure that no children are held in immigration detention.

Thank you for the opportunity for input into this inquiry. Should you require any further information, please contact Jarnah Montersino by phone or email

Yours sincerely

**Suzanne Dvorak**  
**Chief Executive Officer**  
**SAVE THE CHILDREN**