

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

I have been living on Christmas Island for 12 years and have witnessed the effects of Australia's mandatory detention policy on asylum seekers, immigration service providers and the Christmas Island community. Throughout my time on Christmas Island, I have conducted initial interviews with asylum seekers, supervised asylum seekers in their accommodation at the sports hall, taught Art to asylum seekers and advocated for and supported asylum seekers whilst they were in detention on Christmas Island.

### **Mandatory Detention – A punitive exercise.**

"It is not illegal to seek asylum in Australia, even if arriving by boat" 1958 Migration Act

(<http://www.rethinkrefugees.com.au/the-facts/>).

- Mandatory detention is punitive to the very people who are seeking help and protection. The Immigration Detention Centre on Christmas Island (IDC) is run as a prison. Asylum seekers are told when to eat, sleep and shower. Asylum seekers have limited access to the internet, telephones, education and recreation activities. It is near impossible to visit an asylum seeker in the IDC. Being imprisoned is detrimental to the mental health and well-being of vulnerable people as is evidenced by reports of self harm and mental health issues.
- By incarcerating asylum seekers in large jails, with electrified fences, razor wire, cameras, guards and strict security regimes, you are sending a strong message to the Australian public, that asylum seekers have done something wrong and are to be feared. This demonisation of asylum seekers is evident amongst some residents of the wider Christmas Island community and can be evidenced in numerous media reports about Christmas Island.
- Section 4AA of the Migration Act 1958 states that "The Parliament affirms as a principle that a minor shall only be detained as a measure of last resort." (<http://www.comlaw.gov.au/Details/C2011C00614>) On Christmas Island children have been housed in "alternative detention", which consists of children and families being detained behind fences, unable to have freedom of movement and limited access to internet, telephones, visitors and recreation facilities. Access to education was slow to commence for new arrivals, although more easily accessible than to asylum seekers in the Christmas Island IDC. I have witnessed first hand, the stresses that detention on children has caused. There is no community detention on Christmas Island.
- Mandatory detention has proved to be a costly exercise for taxpayers. It has not been successful in deterring people from arriving in boats. Asylum seekers are punished for their actions – although not illegal, and communities are impacted on in negative ways (I will touch on this later). Surely alternatives to mandatory detention need to be considered – Bob Ellis' idea is ridiculously simple, but then again so is mandatory detention. I have included Ellis' "The caravan solution" for consideration.
- When I was conducting initial interviews with asylum seekers (before the Tampa incident), common practice was to find people on the boat who spoke English to act as interpreters. I worked with the same interpreter for 5 nights in a row. In between interviews, we would chat. He was the final person from the boat that I interviewed. He showed me pictures of his family – left back in Iraq. He showed me his university qualifications from Bristol University in England. He also showed me evidence on his body of torture. 2 Years later, I saw him on "Compass" (ABC tv). After spending 18 months in Woomera detention centre, he was granted a Temporary Protection Visa. He was working as a lecturer in microbiology at Adelaide University. It made me think – how many other highly educated people, or people keen to contribute to Australia, are locked up in these centres.

<http://www.abc.net.au/unleashed/41146.html>

17 NOVEMBER 2010

The caravan park solution

691 Comments

**BOB ELLIS**

The proposed hunger strike in Villawood over the dead Iraqi man who wanted to go home to his family and wasn't allowed to go home is bad, bad news for the Gillard Government because, for one thing, prison suicides come in clusters, and there's no way Gusmao and Ramos Horta want dead refugees in a sort of Green Zone on their native soil. So we must see the East Timor Solution as dead and the Nauru Solution as dead, buried and cremated and the

Adelaide Hills Solution as difficult at best (real estate prices will go down) and the Gillard Government in these matters truly to have lost its way. And it's in mortal peril now because Bandt and Wilkie can bring it down if they get a better offer from Abbott or, more likely, a rebel Cabinet Minister prepared to do a deal with them. To him, and to Abbott and, indeed, the Prime Minister I therefore suggest the Caravan Park Solution, which goes like this. We ask what country towns would like some Hazaras or Tamils or Iraqis to live in their towns. Young, and Longreach, and Broome, Bathurst-Orange, Wodonga and Devonport might well put up their hands. Then we ask how many they want. Let's presume the number they'll cop is around 300 in each place. We put these 300 in 120 caravans in a caravan park, already existing or a new one, in or near the town. We give each the Unemployment Benefit and the mothers the Child Benefit. We let the adults seek work in the town or in a 50-mile radius of the town, and let the children go to school. We give each adult a device like the one that navigates cars to establish where they are at any time, with a photo-phone connection on it that proves they are carrying it. And we let the appeals for asylum proceed, for the three or five years they now must take. In those five years the appellants might show they are good and valued citizens, or not. And this might help their case. Or not. If invited, a caravan might move into a citizen's backyard. If appropriate, an appellant might marry a girl or boy of the town. It is to be emphasised that the town in question has asked for these refugees. Some towns might prefer Afghans, others Sri Lankans. They should have at least the right to articulate this choice and vote on it in a town meeting. One advantage of this arrangement is cheapness. Each refugee would cost about \$420 a week, including the caravan rent, and if they got a job, nothing. Interned and guarded offshore they would cost, to judge by the Nauru-Manus Island experiment, \$3,500 a week. The billion the East Timor facility would cost need not be spent. Nothing much in the way of infrastructure need be built, except, perhaps, an extra shower block or two in each town, some electrical connections and piped water if the caravan park is new. What is wrong with this? Well, not a whole lot. The refugees won't be in Penrith where they are feared. They will only be where they are wanted. The country towns' economics will be boosted. Exotic cuisine will come to those towns, and eager little scholars to the local schools. Some of the women will train as nurses, or make and sell exotic jewellery and clothing, or train as kindergarten teachers; some of the men will become meat-workers, or carpenters, or farm hands, or fishermen, or go to the TAFE and study electrical engineering. The children will progress through high school. Some will become good cricketers. All this might be seen as a dry-run for citizenship. Those that fit in well could get extra points for having done so. Those that attempt to scarper would lose points for having done so, in the way that we lose points on our driver's licence. And the five-year assessment of their claim will take this into account. As the experiment is shown to work (if it does) more ailing towns will put their hands up and take refugees and get to like them, as they did Italian POWs in World War 2. Will more boats then come? Maybe. But even if the numbers reach 10,000 a year it's still only 5 per cent of what we let in now. And it will save some country towns, and build new ones. It will add to the economy those things to do with growing children: clothes, books, outings, tennis racquets, music lessons and the like. It will help us diplomatically, and stop that blackening of our name across Asia which our present policy is subjecting us to. Will the Prime Minister buy this? Of course not. She is, like her predecessor, impervious to suggestions and convinced she is running the show. Having never read a book on these matters she thinks it is very simple. There is a racist component in her ignorant personality that resists all solutions that don't include punishment, and it is what, very soon, may bring her down. I put this proposal, without much hope, on the table anyway. I ask Adam and Andrew to look it over. And anyone interested in saving money on this issue. The 300 Tampa people cost \$500 million before they were settled here. This will cost much, much less, one-twentieth of that, perhaps, or one fiftieth.

Please consider.

### Immigration Detention on Christmas Island

- The isolated nature of Christmas Island means that there is little valid independent scrutiny on the conditions and the processes of immigration detention. Detention centres are cleaned up, asylum seekers get better meals and actual recreational excursions occur when an ombudsman or politician visits. I have seen guards "disappear" outside of houses (when community detention existed on Christmas Island) to coincide with Senator Kerry Nettle's visit. I have seen school children's lunches improve, when visiting health officials have arrived on the island, I have heard about excursions organised to make compounds seem less crowded for visiting guests.
- Between 2004-2006, as a weekly visitor to the temporary detention centre on Christmas Island, the visiting rules constantly changed at the whim of the centre manager. The rules that were published on the Immigration website were irrelevant on Christmas Island. Without constant scrutiny, it is possible to "bend"

rules and conditions, which affects how an asylum seeker is treated. A couple of examples of this include: I was denied permission to provide a birthday cake to an 18 year old girl. I had checked with the centre and was told it would be okay, as long as the cake was manufactured and still in original wrapping. When I arrived at the centre, I was told that the cake would not be allowed in; I used to bring local mangoes for asylum seekers and then was told they were not allowed – all food had to be manufactured. I began bringing manufactured and wrapped foodstuffs, which were also sometimes denied with no reason; Another time I was told that I would not be allowed to visit unless I signed a new form which said I agreed to the new rules on appendix b. No appendix b was provided, and when I asked for a copy of appendix b, I was told that if I wanted to visit, I should sign the document. I signed this document for at least 3 months, and to this day still do not know what appendix b was.

For the 2 years that I visited my friends, the privatised and largely unscrutinised management wielded their power, not only over the asylum seekers, but also to people wishing to visit them or help them. I know how this upset me and other visitors, I cannot begin to know how this affected the children and adults from this group who were subjected to this treatment for two years – all were found to be genuine refugees and all are living and working in Australia now.

- Isolation also reduces the asylum seekers access to legal representation and support from Non-Government Organization (NGO's). Volunteers on Christmas island have historically provided support to asylum seekers in various ways – fundraising for legal costs, visiting asylum seekers in detention, hosting recreational activities and supporting people in community detention (community detention is no longer available on Christmas Island). However, due to the sheer numbers of asylum seekers on Christmas Island, plus burn out from dealing with depressed and despondent people, the volunteers were overwhelmed and unable to continue to support people as they were faced with unpalatable scenarios involving picking and choosing who to support. There is little or no independent support on Christmas Island.
- Christmas Island has a permanent population of around 1000 people. Immigration Detention has noticeably swelled the community population with SERCO, MSS, DIAC, Interpreters and IOMS staff. This has placed strain on the permanent population.
  - Increase in shop prices: fly-in staff have an approximate \$700 per week food allowance, which has not gone unnoticed by local businesses.
  - Increase in housing rental prices and shortage of housing on Christmas Island.
  - Competition for facilities on Christmas Island.
  - Environmental impacts – increased road kill of fauna, sewerage treatment concerns and possible water shortages.
  - Increase in anti-social behaviour and increase in theft on Christmas Island.
- Immigration detention on Christmas Island has given children access to experiences, which they wouldn't ordinarily have. Riot police have practiced in full view in the suburb of Drumsite, including the school oval. "Get Back, Get Back, Get Back" whilst beating shields, desensitises people to violence.
- Immigration detention on Christmas Island has been the impetus for Community Australian Federal Police (AFP) to wear arms. An email from Brian Lacy in April clearly stated that Community AFP were exempt from wearing firearms – understandable considering that It is not legal for residents to own firearms on Christmas Island. This suddenly changed in June – in the Administrators Newsletter, where Brian announced, for the safety of the community, Community AFP would now wear arms.

From: Brian.Lacy@regional.gov.au  
Subject: Community Street Party [SEC=UNCLASSIFIED]  
Date: 20 April 2011 11:32:29 AM GMT+07:00  
To:

"Your concern about the firearms is understandable. A request was made of the AFP not to wear firearms in the community. It was explained however that firearms are part of the uniform and must be worn at all times on duty. Our community police have a special exemption from wearing a firearm".

QuickTime™ and a  
decompressor  
are needed to see this picture.

I have very few positive things to say about mandatory detention and immigration detention as it has operated on Christmas Island. In conclusion, if mandatory detention is found to be the only solution for asylum seekers (which it is not), it needs to be done better. This includes:

- Shortening processing times
- Detention centres operating transparently with scrutiny at all times.
- Treating asylum seekers with dignity and compassion – not punishing them.
- Select private operators who are providing the best service, not the cheapest service.
- Select private operators who screen their staff and also train them as to how to deal with traumatised people.
- Encourage visitors and excursions – remember, according to DIAC on their website, the aim for detention is not punishment.
- Select a location where asylum seekers can access their lawyers and other support staff.
- If asylum seekers were not demonised in the media and by politicians, towns on the mainland of Australia would be less fearful and thus less resistant of asylum seekers being processed in their neighbourhood.