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

I thank the Joint Committee for the opportunity to draw the Parliament's attention to a range of concerns I have about the treatment of detainees in Australia's immigration detention network.

I have been visiting detainees held in Australian immigration detention since 2001. I have visited detainees at the following centres: Maribyrnong, Villawood, Baxter and Broadmeadows MITA. I have also visited detainees whilst they were held in psychiatric facilities in Adelaide.

I have been absolutely appalled by the extreme treatment and conditions I have witnessed during my time as a visitor to immigration detention centres. These include:

- observing children in Maribyrnong MIDC who were exhibiting serious behavioural problems, from depression and withdrawal to constant crying, and failing to meet developmental milestones, and who appeared drawn and pale because they had only severely restricted access to a small outside space and were not getting enough to eat;
- observing scars and marks on the arms and shoulders of two boys (12 and 14 yo), which other detainees told me were the result of being assaulted by detention centre guards;
- visiting a friend in detention at Maribyrnong MIDC who had been hospitalized and had his nose broken as a result of being assaulted by criminal detainees,
- hearing of ready access to illegal drugs, including heroin, at Maribyrnong and Villawood Detention Centres;
- being informed in writing by a friend held in Baxter that his cousin was being kept in leg irons, in an immigration detention facility located in a house in a Perth suburb;
- my own experiences being left locked in the metal cage in wild weather with my four year old son and other visitors for twenty minutes by guards when we attended our friends' wedding at the detention facility at Baxter in 2004.

I understand that these incidents and many worse situations are documented in numerous previous inquiries into Australia's immigration detention regime, including the HREOC report, A Last Resort and the two reports of the People's Inquiry into Detention, and I refer the Joint Committee to these and other reports into immigration detention in Australia.

In this submission, I'll restrict my comments to the situation of unaccompanied minors in the Broadmeadows MITA until their release last Friday 19th August.

I am a social worker, with 25 years experience working with young people. My submission rests on my professional knowledge and experience and on my first-hand knowledge of Broadmeadows MITA, where I commenced visiting unaccompanied minors last September.

Breach of duty of care

I believe that the Minister for Immigration has been in serious breach of his duty of care to unaccompanied minors held at Broadmeadows MITA, for the reasons outlined below.

1 Detention has caused psychological harm to minors held at Broadmeadows MITA

Over the time I visited detainees at Broadmeadows MITA, I witnessed a decline in their mental health. The worst effects usually commenced after three months of detention. All the

boys I visited reported feeling overwhelmed by anxiety and suffered symptoms of depression, including being unable to concentrate and being unable to sleep until dawn, and were being treated with antidepressants and sleeping pills by visiting clinicians, presumably GPs or psychiatrists.

Although the boys I visited fortunately never become incoherent or engaged in obvious self harm, during my visits I witnessed a number of other boys who were clearly suffering some kind of major psychological breakdown, pacing in an agitated state, or talking to themselves. I was told by the boys I visited of cases of serious, life threatening self harm by other detainees, cases which obviously caused them a lot of distress and anxiety.

The other boys would avoid these highly distressed detainees, which furthered their isolation and suffering. On occasion, I approached SERCO employees with my concerns about these boys, but I was told that they could not register my concerns unless I was officially visiting these detainees.

These boys, who demonstrated symptoms of acute psychological distress and disorientation, have now been released into community detention, without referrals to medical and support staff in the community, and in at least one case, without current medication. This is a serious breach of duty of care and I am concerned for the welfare of these boys.

2 Children in detention are deprived of essential educational and social needs due to DIAC protocols

The detention protocols at Broadmeadows MITA were less restrictive than in other facilities I have visited and the boys had access to the outdoor areas during the day. During my visits, the SERCO employees seemed in most cases to treat the detainees well, and I was impressed by the cultural diversity amongst the SERCO staff.

However, there were a number of regulations introduced over the year, which were punitive in their impacts on detainees.

Lack of age appropriate social interactions

A particularly unfair regulation, which was introduced in May at Broadmeadows, banned visits from children under 14 years of age. This resulted in some young teenaged visitors being unable to visit the boys, and shut off an important source of social interaction for the detainees at Broadmeadows MITA.

Some detainees asked us to try and get the decision reversed, and on enquiring about the reason for the ban, we were told 'it's due to occupational health and safety regulations – what if a two year old slipped on the basketball court?' Other visitors were told 'this centre is no place for children'.

Lack of access to education

Most of the boys I visited expressed concerns to me and other visitors about their education. They were worried about falling behind, or in some cases, had never been able to attend school and desperately wished to do so now they had reached a country where they could access schooling.

On raising these concerns with SERCO staff, I was informed that the 'boys are all going to school'. However, 'school' was a trip to English classes, and these trips were often arbitrarily cancelled due to incidents that were occurring with the detention system. In such

circumstances, and given their difficulties sleeping at night and their ongoing trauma, many of the boys stopped attending the English classes.

On an occasion recently, after a couple of boys had requested books to read, I brought a collection of children's and young people's books into the MITA. I was informed by a SERCO manager that as there was a library provided in the centre, there was no need for me to bring books in. I responded that these books were requested by individual boys; the Manager then inspected the books and stated 'anything on politics or history is not allowed, as we don't want to stir them up' [referring to the detainees]. I am shocked at this restriction of access to educational literature.

3 Children and young people in detention are placed at risk due to current DIAC's failure to communicate transparently with detainees and their lawyers and support people

I am especially concerned about DIAC's approach to communication with detainees and their support people and service providers, including lawyers and clinicians, which in cases I have observed recently, places young people at risk of harm by cutting off their support networks and prevents them accessing necessary legal and medical help.

During the week beginning Monday 15th August, a number of boys I'd visited in the Broadmeadows MITA Centre informed me that they were due to be released, either into community detention or, having received refugee status, to reside with their families.

However, there were a number of boys who remained in the detention centre as of Friday 19th. These boys were understandably distressed and very anxious about where they were going to be transferred.

These boys have made significant connections with members of the community who visit them in Melbourne. In some cases, they were seeing lawyers, who were not informed of their imminent transfer. In one case, a psychologically distressed boy has been sent to the other end of the country and support people in Melbourne have been unable to contact him.

4 DIAC is failing to provide adequate certainty and resources for community detention

Whilst community detention (if it is established in a way that allows asylum seekers and refugees the right to live without guards and restrictions in movement and access to services and amenities enjoyed by the wider Australian public), immeasurably improves the conditions facing unaccompanied minors, DIAC's punitive and neglectful approach towards unaccompanied minors in community detention is continuing to place these young people at risk.

DIAC's different treatment and separation of unaccompanied minors who have received humanitarian visas and those who have received primary stage rejections means that some unaccompanied minors face being removed from their placements, schools and social networks and sent interstate when their status changes.

DIAC's failure to confirm the continuance of the $200 a week payment to carers of unaccompanied minors with the DHS program beyond the end of this year is placing great strain on families who have taken these young people into their homes. It is also making it extremely difficult to recruit new carers.

I am aware of cases where boys have been financially exploited by carers who should never have been selected. Community placements are inadequately monitored and carers are not provided with the necessary support and financial assistance to care for the boys.

In conclusion

I note a number of inconsistencies between reality and what is currently claimed by the Minister for Immigration in media releases on the DIAC website.

In a media release on 29th June 2011, Minister Bowen claimed that 'When the number of unaccompanied minors at the Melbourne Immigration Transit Accommodation (MITA) falls to about 50, I have asked the department to operate this facility as a more open, hostel-style facility for unaccompanied minors.' I can attest that this never eventuated. In fact, the particularly punitive restrictions, such as the ban on children attending as visitors continued to the end, despite requests that this ban be lifted, for the benefit of detainees.

In Fact Sheet 82 on Immigration Detention the Minister states:

> 'It is government policy that children will not be held in immigration detention centres.
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> While there will be occasions when children will be accommodated in low-security facilities within the immigration detention network, such as immigration residential housing, immigration transit accommodation and community detention, the priority will always be that children and their families will be promptly accommodated in community detention.
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> This allows children and their families to move about in the community and receive support from non-government organisations and state welfare agencies, as necessary'.

This statement contains a number of serious factual errors. In my assessment, no reasonable person could describe the Broadmeadows MITA as a 'low-security facility' and in my experience, DIAC's priority is clearly **not** that children will be promptly accommodated in community detention; in fact, the priority appears to be the opposite – to keep children in detention as long as possible. Just last week, five boys who were held at Broadmeadows MITA were transferred against their will to be held in detention with a range of adults at the Darwin Airport Lodge. There were other boys who remained in the Broadmeadows MITA, one of whom has been in detention for over 2 years.

The DIAC website on immigration detention appears to be full of inaccurate statements, and should be immediately revised. It is a concern that the DIAC website on immigration detention contains these factual errors.

I note that there have been a great many inquiries into aspects of Australia's migration detention system over the past ten years, and wonder how many more inquiries it will take for the Commonwealth to determine that immigration detention is ineffective as a deterrent, expensive and damaging to detainees and to Australia as a whole.