

Project SafeCom Inc. - Information Sheet 4

Mandatory Detention (2)

8. Refugees are not terrorists

The links made by Phillip Ruddock and Peter Reith in the wake of the US WTC attacks were an appalling example of criminalising and racialising blame. This scapegoating of refugees in the lead up to an election is shameful and has resulted in racial hysteria leading to a number of racially motivated attacks in Australia.

The latest military retaliation by the US, with the full support of NATO, including Australia, is having a devastating effect on the civilian population, already reports have indicated that refugees have been killed by cluster bombing. Afghanistan, already ravaged by 26 years of civil war. There are currently tens of thousands of refugees waiting in camps on the borders of Afghanistan in a situation described by the UN as a human crisis of monumental proportion. Australia receives a tiny proportion of these displaced peoples, fleeing from war and oppression.

9. There is an alternative to Mandatory Detention

Fact: Asylum seekers claims need to be assessed for legitimacy. Australia is the only Western country that mandatorily detains asylum seekers whilst their claims are being heard. Asylum seekers are not criminals and detention should be minimal. At a cost of more than \$104 a day per head the policy of detention is very expensive. Community based alternatives to mandatory detention can be found internationally and within the current Australian parole system.

A select Committee of the NSW Parliament has costed alternatives to incarceration including home detention and transitional housing.

The average cost of community based programs are (per person, per day): Parole: \$5.39 Probation: \$3.94 Home Detention: \$58.83. These options are clearly more economically efficient, and much more humane.

Sweden receives a similar number of asylum seekers as Australia, despite having less than half the population. Detention is only used to establish a persons identity and to conduct criminal screening. Most detainees are released within a very short time, particularly if they have relatives or friends living in Sweden. Of the 17,000 asylum seekers currently in Sweden 10,000 reside outside the detention centres. Children are only detained for the minimum possible time (a maximum of 6 days). Inside Australian detention centres there are currently 520 children amongst the 2821 detainees some of whom are orphans and unaccompanied by any adult family member or otherwise.

Alternatives to Detention

The process of Mandatory detention is in direct contravention of International Law, as has been pointed out by bodies such as the United Nations High Commission on Refugees. International law states that detention should only be used under exceptional circumstances and then only for the purpose of verifying identity, ascertaining health and safeguarding national security. Detention should never be used to deter or disrupt the plight of people seeking asylum.

Australia's policy of mandatory detention has been criticised as arbitrary, indefinite and lacking judicial integrity, Asylum seekers are incarcerated without charge, without recourse to a Magistrate and without the possibility of applying for bail.

Further, no court in Australia has the power to order their release. There are models and programs that could deal with asylum seekers more humanely and at much less cost. The Refugee council of Australia has proposed a three-tier detention scheme as an alternative to mandatory detention. These stages are:

Closed Detention - Open Detention - Community Release

Under this model and those used by other countries including Sweden and New Zealand, detainees waiting for their asylum claims to be assessed are given freedom of movement (a right guaranteed to them under international law) contingent upon satisfying identity checks and public interest requirements. The threat of

Project SafeCom Inc. P.O. Box 364, Narrogin WA - Phone 041 70 90 130
Email: admin@safecom.org - web: <http://www.safecom.org/refugees.htm>

Project SafeCom Inc. - Information Sheet 4

absconding is low for it is in the best interest of the applicant to fulfil their duties so as not to jeopardise their application. The benefits of such a system are numerous; they include increased sensitivity to the human rights of asylum seekers, affording dignity to those already traumatised, addressing the needs of vulnerable groups such as women and children and increased access to essential and needed services. Alternative methods already in use in other countries also include:

- *Monitoring -- such as regular reporting to a case officer and the requirement to present within twenty-four hours if required.*
- *Provision of a guarantor who would be called if the person could not be located.*
- *Release on a type of bail.*
- *Open centres with hostel-like accommodation. People would be free to come and go and once their status is determined they could then gradually move in to society.*

There are many avenues to be investigated, perhaps a combination of models could be used. There are well established communities within Australia many of whom would be prepared to host asylum seekers and assist with their application and re-settlement. Some asylum seekers have family in the community and would be much more comfortable and well-supported living with them.

From an economic perspective detention is a great expense. According to DIMIA's annual report 1998-99 the cost of detention was \$22.6 million. That works out at \$112 per asylum seeker per day (for which successful asylum seekers are later billed upon release).

Further, DIMA has just spent \$16 million on expanding Woomera detention centre including \$1.7 million on upgrading the perimeter fence. According to an Australian Catholic University study, the average cost of community based programs based on a parole model would be \$5.39 per person per day while a model based more on probation would cost on average of \$3.94 per person per day. The costs of offshore processing have yet to be determined (See Fact Sheet on Offshore Processing). In short the process of Mandatory Detention contravenes International Law, it is illogical in that it persecutes people who present with no documents while enabling those travelling on forged documents to avoid detention.

Mandatory detention fundamentally contravenes human rights, men women and children are incarcerated without trial and what is worse, a private company is profiting (See Fact Sheet on ACM). The Refugee campaign calls for the end of mandatory detention, the closure of these inhumane detention camps and the immediate institution of community based programs for on shore-applicants. The displacement and movement of people in fear of persecution is a global issue and requires coordinated international action. Currently most responses are narrow, defensive and nationally based.

Australia's response exhibits perhaps the worst example of these characteristics. Australia is currently the only western industrialised nation to practice mandatory sentencing of asylum seekers. This costly and inhumane practice is presented by the Department of Immigration, aided by the media, as the only alternative. It is supported by Phillip Ruddock as the only way to strengthen Australia's borders and provide a deterrent to potential asylum seekers.

There is no mention of the failure of these harsh measures to deter asylum seekers and as the worldwide numbers of refugees and asylum seekers increases, so to do the number of people arriving in Australia. Little or no account is ever given of the causes behind the creation of refugees or why people are seeking asylum. Even less is known about the conditions inside the detention centres as there is a complete media black out from all six mainland detention centres.

In the past detainees have been denied the right to send mail to Australian addresses and in some cases they have been denied the right to send mail at all. To this day it is very difficult to get a clear and consistent picture of life inside the detention centres as, even after release, detainees are often so traumatised and scared that their Temporary Protection Visa (See Fact Sheet on Temporary Protection Visas) will be revoked that they extremely hesitant to speak out. Workers inside the facilities are required to sign a secrecy clause and are therefore reluctant to jeopardise their positions.

Source: The Edmund Rice Centre in Sydney originally produced parts of this document - other parts were added to this. We took our copy from the Freedom Bus people website: <http://www.refugeefreedombus.org/>

Project SafeCom Inc. P.O. Box 364, Narrogin WA - Phone 041 70 90 130
Email: admin@safecom.org - web: <http://www.safecom.org/refugees.htm>