



## ***Submission to the Australian Refugee Rights Alliance on current issues of concern to refugee populations***

### ***Introduction***

The St Vincent de Paul Society is a respected charitable organisation operating in 142 countries around the world. In Australia we operate in every state and territory with nearly 50,000 members and volunteers committed to our work of social assistance and social justice. We are accountable to the people in our community who are marginalised by structures of exclusion and injustice.

On 29 March 2012, the Refugee Council of Australia sought submissions from its members and supporters on current issues of concern to refugee populations, and in particular, issues of concern to refugee populations in the Asia-Pacific, Middle East and Africa regions. The St Vincent de Paul Society welcomes the opportunity to contribute a submission based on our experience of working with people who have sought refuge in Australia. We consider it a privilege to assist, and stand in solidarity with, these people.

The National Council of the St Vincent de Paul Society (“the Society”) is unable to provide comment on issues of concern to refugee populations in Asia-Pacific, Middle East and Africa directly as it does not have staff in those regions, and therefore does not have access to information affecting refugees in those areas. Nonetheless, the Society wishes to make comment on concerns facing the Australian refugee population more broadly, as the majority<sup>1</sup> of refugees who apply for asylum are from the Asia-Pacific, Middle East and Africa. In particular, the Society is concerned about the following issues for the refugee population in Australia:

1. The longstanding policy of mandatory immigration detention for refugees arriving by boat, and the impact of that detention on refugees; and
2. The detention of children in immigration facilities.

We write this submission to re-iterate our position on this issue, and kindly ask that the Refugee Rights Alliance (ARRA) continue to advocate on behalf of refugees in Australia arriving by boat, present our concerns at UNHCR’s key policy meetings, and in particular the Annual Tripartite Meetings which, as we understand, are targeted at countries involved in re-settlement of refugees. We take this opportunity to expand on our position in greater detail below.

### ***Mandatory immigration detention for refugees arriving by boat***

The Society is deeply concerned about Australia’s immigration detention system, which is one of the strictest in the world.<sup>2</sup> The continued detention of refugees has devastating human impacts and

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<sup>1</sup> Department of Immigration and Citizenship, *Asylum Trends Annual Publication*, 2010 – 2011 <[http://www.immi.gov.au/media/publications/statistics/asylum/\\_files/asylum-trends-aus-annual-2010-11.pdf](http://www.immi.gov.au/media/publications/statistics/asylum/_files/asylum-trends-aus-annual-2010-11.pdf)>.

<sup>2</sup> Australian Human Rights Commission, *Immigration Detention at Curtin*, 2011, page 10 <[http://www.hreoc.gov.au/human\\_rights/immigration/idc2011\\_curtin.pdf](http://www.hreoc.gov.au/human_rights/immigration/idc2011_curtin.pdf)>.

breaches Australia's human rights obligations.<sup>3</sup> Detention centres are factories for producing mental illness and anguish amongst those detained,<sup>4</sup> with 86% of those detained having been found to suffer "clinically significant symptoms" of depression, and in varying proportions, other mental illnesses.<sup>5</sup> The Australian Human Rights Commission reported during a visit to the Curtin detention centre that asylum seekers encountered acute frustration and distress due to long processing timeframes and their prolonged detention.<sup>6</sup>

### **Australia's current policy towards refugees**

Australia's *Migration Act 1958* makes a distinction between asylum seekers arriving on Australian mainland who *must* be held in immigration detention and asylum seekers arriving in excised offshore places (such as Christmas Island), that *may* be detained in immigration detention. Despite this distinction in law, current Australian Government practice is to detain all asylum seekers without a valid visa in mandatory detention, including 1,017 children (496 of which are in secure locked facilities)<sup>7</sup>. The length of detention amongst asylum seekers has increased, with a significant number of refugees spending more than 12 months in detention.<sup>8</sup>

In March 2012, the Joint Select Committee on Australia's Immigration Detention Network released a report<sup>9</sup> recommending the imposition of a 90-day time limit on detention.

### **The Society's position on Australia's refugee policy**

The Society condemns mandatory detention of refugees as a matter of policy. The imposition of time limits should only be used as an interim measure while moving towards a detention-free policy for asylum seekers. As an interim measure, the Society believes that the Committee's recommendation of a 90-day time limit is still inappropriate, and takes the view of the Refugee Council of Australia on the imposition of a 30-day time limit.

Not only is the policy of mandatory detention of people who pose no danger to the community unjustifiable, it is also bad policy. By implicitly suggesting that refugees need to be rebuked for having the audacity to seek protection the policy, together with the distortions by Government, Opposition and media on issues surrounding refugees, overshadows the significant contribution refugees make to Australia (and in particular to the Australian workforce<sup>10</sup>). Furthermore, the policy is ineffective, and as the UNHCR notes, "[p]ragmatically, no empirical evidence is available to give credence to the assumption that the threat of being detained ... discourages persons from seeking asylum".<sup>11</sup>

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<sup>3</sup> Ibid.

<sup>4</sup> Ibid, page 12.

<sup>5</sup> Joint Select Committee on Australia's Immigration Detention Network, *Final Report*, 2012, page 104 <[http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate\\_Committees?url=immigration\\_detention\\_ctte/immigration\\_detention/report/report.pdf](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=immigration_detention_ctte/immigration_detention/report/report.pdf)>.

<sup>6</sup> Ibid, page 17.

<sup>7</sup> Chilout Organisation, *Detention Stats*, 2012 <<http://www.chilout.org/stats--reports>>.

<sup>8</sup> Joint Select Committee on Australia's Immigration Detention Network, *Final Report*, 2012, page 27 <[http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate\\_Committees?url=immigration\\_detention\\_ctte/immigration\\_detention/report/report.pdf](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=immigration_detention_ctte/immigration_detention/report/report.pdf)>.

<sup>9</sup> Joint Select Committee on Australia's Immigration Detention Network, *Final Report*, 2012 <[http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate\\_Committees?url=immigration\\_detention\\_ctte/immigration\\_detention/report/report.pdf](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=immigration_detention_ctte/immigration_detention/report/report.pdf)>.

<sup>10</sup> Refugee Council of Australia, *Australia's Refugee and Humanitarian Program 2012-2013*, 2012, Page 6, <[http://www.refugeecouncil.org.au/resources/intakesub/2012-13\\_IntakeSub.pdf](http://www.refugeecouncil.org.au/resources/intakesub/2012-13_IntakeSub.pdf)>.

<sup>11</sup> United Nations Human Rights Commissioner for Refugees, *Back to Basics: The Right to Liberty and Security of Person and 'Alternatives to Detention' of Refugees, Asylum-Seekers, Stateless Persons and Other Migrants*, 2011, page 1 <[www.unhcr.org/4dc949c49.pdf](http://www.unhcr.org/4dc949c49.pdf)>.

## ***The Society's position on refugee children in detention***

The Society strongly opposes the detention of children and maintains that its continued use in Australia is a serious abuse of human rights. The Society is deeply concerned with the large number of children currently in Australian immigration detention, and takes the view adopted by the International Detention Coalition that “it is never in the best interests of a child to be detained for immigration purposes”.<sup>12</sup>

We ask that the ARRA consider our position (as outlined above) when advocating on behalf of the refugee population in Australia in any consultations with the UNHCR.

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<sup>12</sup> International Detention Coalition, *Captured Childhood*, 2012, page 7 <[http://idcoalition.org/wp-content/uploads/2012/03/Captured\\_Childhood-report.pdf](http://idcoalition.org/wp-content/uploads/2012/03/Captured_Childhood-report.pdf)>.