



**the
better
way**

**refugees, detention
and australians**

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There is *a better way* of dealing with the needs of refugees arriving in Australia – whether with or without a visa, by boat or by plane.

The Better Way will not compromise Australia’s security, health or community values, and will actually be cheaper.

What happens now?

Same people, different treatment

Every year several thousand people fleeing persecution make their way to Australia, travelling on different visas issued by the Australian embassy in other countries. When they arrive, they lodge a claim for protection. They are seeking asylum. The Government allows them to live in the community whilst their claims are being processed. Some are eligible to work and receive Medicare, and may pay to receive education. Last year over two and half thousand of these people (including 1600 East Timorese) were receiving government support via the Red Cross. The majority however, do not have these rights and have to rely on charity from friends and church and welfare groups for medical care, food, housing, and clothing.

In 2001, over 4000 people arrived by boat from countries with oppressive governments such as Afghanistan and Iraq. These people almost always arrive without visas. This is the extent of their illegal activity; they just do not hold a valid visa. Unlike other asylum seekers, these people are always taken to detention centres and there is no time limit on how long they stay there. There is nothing barring children and young people without families from being detained – and they are. There is nothing barring pregnant women from being detained – and they are.

The only thing that distinguishes these two groups is their method of transport to Australia and the possession of a visa, but they are treated very differently once they arrive.

Asylum Seekers in Detention v the Community				
Financial Year	Living in Detention	Living in the Community (by lodgment of claim at 31 May 2002)	Other	Total number asylum seekers
1998/1999	1098	7247	45	8390
1999/2000	4371	7904	438	12713
2000/2001	4911	8110	108	13129
2001/2002*	1942	5942	238	8122

* Source: Department of Immigration 9 June 2002.

The refugee process

The process for ensuring a person is a genuine refugee can take many months, and sometimes years. It can involve a series of steps including assessments by the Department of Immigration, a hearing at the Refugee Review Tribunal, possibly a hearing by the Federal Court and sometimes an appeal to the Minister for Immigration. These stages are similar to those in other countries. They involve deciding what is just according to Australian law.

However, we do not need to lock everybody up in detention while this occurs.

the better way

– an alternative to mandatory detention



PHOTO: AARON MILLS | IWARCERY

There are alternatives to detention that do not compromise Australia's security, are cheaper, more humane and which strengthen our sense of community.

So what is *a better way*?

Rather than being classified by how they arrived here, asylum seekers should be classified by their care needs and likely security risk. This would allow more refugees to be housed more cheaply in the community.

The Better Way is a combination of three approaches:

- Early evaluation of refugees to work out whether anyone poses a security risk, and whether there is a risk of absconding if they are placed in low-security housing
- Case management by a social worker from a national welfare agency to work with people and families to ensure they understand Australia's refugee system, and counsel people as they move through the legal process
- Three accommodation options that house people according to an assessment of their security risk.

Security is a feature. For example:

- Community management for those considered at low risk, or no risk to the community or unlikely to abscond (this may include women and children, families and young people)
- Medium security hostel accommodation for those considered medium risk or requiring intensive services
- Continued detention for those considered high risk.

The Better Way reduces the cost to the taxpayer.

The costs of housing refugees depend on the level of security required:

- Community-based accommodation is the cheapest option if low levels of security are required. It is better for children, families and people with disabilities (often caused by war or torture)
- Hostel accommodation is the cheapest option for medium levels of security and is good for centralising services
- Full detention is the option for those people who require high security.

According to the Department of Immigration, the cost of keeping people in detention is an average \$160 per person per day¹. This is because we currently have a 'one size fits all' approach to refugees for the entire process, regardless of whether they are children or adults – and regardless of whether they pose a risk of absconding – or no risk at all. Importantly, it costs a lot to keep everyone in high security detention. **But do all people need to be detained in high security, regardless of their risk?**

Several thousand asylum seekers live in the community and are supported by agencies like the Australian Red Cross or Melbourne's Hotham Mission Asylum Seeker Project who provide basic living allowances and in some cases rented accommodation. With added care and security costs under the Better Way, the average cost of community placement of asylum seekers out of detention is \$60 per person per day.² Other data (based on analysing costs of caring for older people in aged care homes which have a similar level of security and services) show that the cost of hostel accommodation is \$110 per day. The Commonwealth Government has used hostel accommodation to house the Kosovars from the war-torn former Yugoslavia in 1999. There is nothing new for Australia to take a positive approach.

¹ For full description and analysis of the economic costs see our report on the website: Dr Tony Ward, *Improving Outcomes and Reducing Costs for Asylum Seekers*, Milbur Consulting, 2003. <http://www.melbourne.catholic.org.au/ccjdp/pdf/ImprovingOutcomesandReducingCostsforAsylumSeekers.pdf>

² Hotham Asylum Seeker Project, *Welfare Issues and Immigration Outcomes for Asylum Seekers on Bridging Visa E – Research and Evaluation*, Hotham Mission Asylum Seeker Project, 2003. Available by ringing (03) 9326 8343.

By comparing residential and community-based corrections and aged care services with the cost of detention of all refugees in the current system, The Better Way is found to be cheaper. In fact, it can house people in a range of accommodation, according to their security risk, for 18% cheaper than the current cost of keeping everybody in detention centres. What's more, The Better Way includes the cost of employing a caseworker to help people who have been tortured or have other trauma.

Accommodating Refugees: Comparative Costs to the Taxpayer		
Low Security	Medium Security	High Security
Community Management \$60 per day	Hostels \$110 per day	High Security Detention \$160 per person per day
This cost comprises \$20 (food and accommodation); \$15 (security) and \$25 (case management and other assistance services). It is based on existing services provided to asylum seekers by the Hotham Mission and Australian Red Cross.	This costing includes accommodation, food assistance and security. It is based on comparative costs from aged care homes and the NSW parole system which have similar levels of security and services.	In December 2002 the Government told the Senate that it cost the Federal Government \$2 million per week to hold 1326 asylum seekers in detention. Daily costs per person at individual centres ranged from \$67 to \$533. The average cost in 2001-2 was \$160 per day, per person. Detention in the Pacific Estimated at \$140 million Approximately \$97,000 per refugee per year.
For full costs see: http://www.melbourne.catholic.org.au/ccjdp/pdf/ImprovingOutcomesandReducingCostsforAsylumSeekers.pdf		For Pacific costs see: http://www.caa.org.au/campaigns/refugees/still_drifting/index

There are health costs associated with keeping children and families in high security detention centres. The mental health effects of detention on women, children and families who are a low security risk are now well known. The current system does not consider the expense of future psychiatric treatment if these families are found to be genuine refugees and are released into the Australian community after prolonged periods of detention.

The Better Way shows that there are alternatives to detention which don't compromise our security and our humanity, and are cheaper than holding everybody in high security detention centres. These savings can then be used for schools and hospitals.

Managing people better

The Better Way doesn't propose changes to Australia's border protection policy.

Under the Better Way, a risk assessment is undertaken immediately. A caseworker then prepares people for all possible outcomes of their visa application.

Hotham Mission's system for asylum seekers living in the community already provides caseworkers to enable individuals and families to adjust to Australia. They help find housing, deal with daily living needs, and orient them to an Australian way of life.

Case workers can also identify people who have been tortured or traumatised and help them find specialist counselling services. This is vital for women who have been raped and for children who have seen terrible things or have special medical needs.

Where people have been found not to be refugees, the caseworker helps them to accept the decision of the umpire and assists them to farewell people they know in the community as they prepare to leave Australia.



PHOTO: LIZ GILLAM | EMC

The psychological damage caused by prolonged detention is profound. Many refugees, particularly children, suffer severe depression. Overwhelming evidence of these effects has been collected by government bodies, welfare agencies, human rights organisations and psychiatric specialists.

The evidence that supports a different approach is now mounting. In fact, the Minister for Immigration issued regulations on 2 December, 2002 which allow people to be placed in 'alternate forms of detention', such as community care facilities, foster homes, schools and hospitals.

A recent step towards a more humane approach was initiated by the Federal Government in August 2001 – the 'Woomera Alternative Detention Pilot'. The project enabled up to 25 women and children previously held in the Woomera Detention Centre to live in family-style suburban houses.

The Department of Immigration has said of this pilot when it was reviewed: "... within the parameters of the detention environment and the need for families to share housing, the project has been very successful in achieving and maintaining a harmonious living environment. ...the vast majority of the Project's participants have been granted temporary protection visas (found to be refugees) and living in the Project has been an excellent preparation for moving into the Australian community."

The Better Way builds on this pilot's success with whole families able to be together and have freedom of movement while their refugee claims are tested.

Detention, Children and Mental Health – the evidence

The Commonwealth Ombudsman initiated an inquiry into detention centres (2001) and found that 'long-term detention is a source of frustration, despondency and depression often resulting in drastic action being taken by the detainees'.

- The Human Rights and Equal Opportunity Commission has found that there is a pattern of psychological reactions among people detained for long periods of time (Media Release 6.2.02). Each successive stage was found to be associated with increasing distress such as severe depression, despair, hopelessness, paranoia, chronic rage, persecutory delusions and persistent self-harming behaviour.
- A study of refugee health in detention found that some people displayed symptoms of distress at some time during their period of detention: 85% had chronic depressive symptoms and 65% had pronounced ongoing suicidal thoughts.
- Department of Immigration and Multicultural and Indigenous Affairs statistics reveal that in an eight-month period, 264 depressed people (including 29 children) attempted to hurt themselves in Detention Centres: 238 males and 26 females. <http://www.cjdp.org/pdf/op12-200205-damagingkids.pdf>
- The Department of Immigration told the Australian Parliament that five children had sewn their lips together (one 14-year-old twice); three children had slashed their arms; two children had ingested shampoo; one child tried to hang themselves and 13 children had threatened to hurt themselves over a two-week period. There was no evidence of parents encouraging children to self-harm. (Senate Legal and Constitutional Affairs Committee, 11 February 2003, p.146.)

the better way – your questions answered

Will refugees abscond if they are allowed to live outside detention centres?

The Minister for Immigration informed the Senate in October, 1997 that over the previous 15 months not one person released into the community on a bridging visa had failed to meet their reporting requirements. More recently, from 2000-2003, the Hotham Asylum Seeker Project in Melbourne has been providing assistance to asylum seekers who are living in the community, including some who were released from detention. None has absconded.

Why? This is explained partly by the provision of support services that encourage people to remain in the system. Further, people want to be accepted to become Australian citizens so they want to comply.

No system of release into the community is perfect. However, experience in both the Australian parole system and internationally with asylum seekers suggests low levels of absconding. The likelihood can be diminished further through both effective case management and risk assessment as is proposed in the Better Way.

The proposed Better Way relies on the establishment of a reception centre run by the Government, where people would be detained upon arrival for a short time for security, health and identity checks. Based on this risk assessment, people who are no risk could be released into community hostels or other housing which would be managed by welfare agencies. Such welfare agencies have a lot of experience in working with security personnel because of their work with prisoners on parole. Therefore, they have the capacity to cooperate with Immigration authorities.

Upon arrival in Australia, people would be introduced to a caseworker provided by a national welfare agency like the Australian Red Cross, who would support them until their immigration applications have been resolved. The caseworker can help them to make plans to return to their country of origin, or help them settle into the Australian community. Australians assisted people from Kosovo in this way just a few years ago – this was very successful and gained widespread community support.

An independent case assessment panel would be appointed to continuously assess any security risk or risk of absconding. As is currently the case, the Commonwealth Government would continue to cover the costs of health care and services.

Are there terrorists amongst refugees?

Many Australians fear refugees arriving from the Middle East may threaten Australia's security. However, all refugees arriving by boat are screened by ASIO. In fact, in August 2002, the Director-General of ASIO told Parliament that of the 5986 new arrivals, not one was found to be a security risk.

The Better Way does not undermine Australia's security. It proposes that thorough security checks be conducted upon arrival. Anyone assessed as a security risk would be detained in an immigration detention centre.

Anyone assessed as a low security risk could then be placed in the community or in a hostel. Australia does not ordinarily imprison children, nor do we imprison people just because they are poor or from a different culture.

If we let people out of detention, won't it encourage more people to come?

Refugees from Iraq and Afghanistan

The rates of successful applications for asylum by people who arrive by boat are very high. The former Minister for Immigration, Mr Ruddock, told Parliament on 1 November 2000 that an average of 90% of Afghanis and Iraqis seeking asylum were granted protection because they were found to be genuine refugees. Because they arrived by boat, they are only granted a Temporary Protection Visa (TPV), which means they must prove their case all over again after 30 months.

Refugees have always come to Australia. A Commonwealth Joint Parliamentary Committee on Migration accepted in 2000 that refugees would always come to Australia, despite new and stricter border controls. The Committee agreed that there is strong evidence that as long as there are wars, persecution and other global problems, people will continue to go to other countries to find peaceful ways to raise their families, work and contribute to their communities.

Australia is no different from other developed countries and people from war-torn countries will always want to come here.

Over the last few years, refugees have come to Australia to escape from the terrible persecution they have suffered under the regimes of Saddam Hussein in Iraq and the Taliban in Afghanistan. These people have come to Australia despite Australia having had high security detention centres since 1990. They are seeking refuge because the prospect of detention in Australia is less frightening than the prospect of living under a terrifying government. Detention centres are not an effective tool in preventing refugees from coming.

It is expected that now that these regimes are gone, people from this part of the world will stay in their communities and re-build them. However, if there are terrible wars or violent governments in other areas of the world, people will probably try to escape to Australia again, rather than stay in their country and risk their life. This is part of being in a global community.

Your opinion counts

International guidelines on detention of asylum seekers state that:

- The detention of asylum seekers is 'inherently undesirable'.
- Children (even with their parents) should not be held in detention.

Several hundred people seeking asylum are still detained in Australian detention centres. This Better Way has been developed to deal with these people and any future arrivals in a way that is humane and consistent with international best practice.

There are alternatives to detaining all refugees coming to Australia. We propose that the Better Way is more humane, more efficient and cheaper to run. That is what this booklet is about.

We are talking to the government about the Better Way and we are asking all the major political parties to consider its contents.

Dealing with asylum seekers is one of the most controversial issues Australians have faced in the last few years. The Better Way proposes possible solutions that we know will work. Please show this booklet to other people in your family or to friends and neighbours so together we can get a better outcome for all Australians.

To provide feedback and ask questions about these alternatives to detention, contact one of the organisations listed over leaf.

We hope that the Australian public will get behind the Better Way.



PHOTO: LARA MCKINLEY

Justice for Asylum Seekers (JAS) is an alliance of over thirty national church, welfare and community organisations, founded in Melbourne in 1999 to achieve just treatment of people claiming asylum in Australia while acknowledging the need for border management and sound migration processes. This booklet is based on the JAS proposed alternative approaches to asylum seekers: Reception and Transitional Processing System (JAS, June 2002).

The Justice for Asylum Seekers (JAS) network comprises:

Afghan Support Group
Amnesty International (Victoria)
Anglican Church
Anglicare Victoria
Asylum Seeker Project of Hotham Mission
Austcare
Australian Iraqi Association
Baptist Union
Brotherhood of St Laurence, Ecumenical Migration Centre
Catholic Commission for Justice Development and Peace (Melbourne)
Caritas Australia
Centre for Multicultural Youth Issues
Churches of Christ
Council of Vietnamese Supporting Organisations in Australia
Ethnic Communities Council of Victoria
Good Shepherd Sisters
Indo Chinese Refugee Association
Jesuit Refugee Service
Liberty Victoria
Melbourne Catholic Migrant and Refugee Office
National Council of Churches in Australia (Victoria)
National League for Democracy (Burma Liberated Area)
Oxfam Community Aid Abroad
Refugee Council of Australia
Refugee and Immigration Legal Centre
Salvation Army
Springvale Community Aid And Advice Bureau
St Vincent De Paul Society (Victoria)
Tear Fund Australia
Uniting Church of Australia, Victorian Synod
Vietnamese Community in Australia

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