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Community detention in Australia

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Moved by the plight of vulnerable asylum-seeking minors being held in detention centres, a group of Australian advocates lobbied successfully for the implementation of community detention as a viable, humane alternative, giving asylum seekers an opportunity to engage in a more meaningful existence while awaiting the outcome of their asylum application.

The experience of being held in detention centres – ‘held detention’ – has had a negative and long-lasting impact on the mental health and well-being of many of the men, women and children seeking asylum in Australia. Factors such as the deprivation of freedom, a sense of injustice, isolation from the broader community, growing feelings of demoralisation and hopelessness, increased refugee status determination processing times, risk of deportation and bewildering legal processes have all contributed to mental health problems and increasing anxiety and depression in detainees.¹ These conditions have led to suicides, self-harm, protests and behavioural breakdowns.

Detention has also been found to have an independent and adverse effect on mental health by exacerbating the impact of previous traumas, and is in itself an ongoing trauma; unaccompanied minors have been found to be particularly susceptible to a breakdown in mental health and well-being.

In early 2010, a group of advocates set about exploring appropriate models for the community detention of unaccompanied asylum-seeking minors. Consultations were held with a wide variety of stakeholders and providers of youth services; once a model was agreed upon and accommodation and service providers identified, a proposal was



Rally organised by the Refugee Action Collective (Victoria) outside Broadmeadows Melbourne Immigration Transit Accommodation Centre, April 2013.

Talkner

put to the Department of Immigration and Citizenship that it change its detention regime for unaccompanied minors. The Australian government was receptive to the proposal and has transferred significant numbers of unaccompanied minors and families out of closed immigration detention facilities since the first policy announcements in 2010. Unaccompanied minors are moved into houses with four to five rooms, which can accommodate an office space and a spare room for a youth worker to stay overnight.

In addition, the urgent and deteriorating mental health crisis in immigration detention facilities prompted the Department of Immigration and Citizenship to increase the number of contracts with selected agencies to provide accommodation and support to vulnerable adult men in detention as well. Since March 2012 the Jesuit Refugee Service, in partnership with Marist Youth Care, has implemented a community detention programme for vulnerable adult men (the Vulnerable Adult Men Residence Determination Project). The project initially incorporated a hostel and five houses, accommodating up to 40 adult men with multiple and complex needs, including mental and physical health issues. This service was later extended to families and provides health, welfare, residential and intensive casework support to asylum seekers released into community care. As of August 2013, available accommodation comprises a hostel and eight houses, and services have been provided to 83 clients (vulnerable adult men and families).

In mid-2010 the Australian government signalled a policy shift towards offshore processing in third countries. However, this policy collapsed in the face of the Timor Leste government's refusal to cooperate, and a High Court decision disallowing the transfer of asylum seekers to Malaysia. In October 2011, it was announced that all asylum seekers would therefore be subject to onshore processing; after an initial period of detention for identity, health and security checks, most were to be released into the Australian community on bridging visas

with the right to work, and those assessed as too vulnerable to live independently would be released into community detention, which does not give work rights.

Why community detention?

In Australia, community and church-based organisations have been contracted to provide community detention services. Upon release from detention, vulnerable asylum seekers, unaccompanied minors and families are placed with these services and provided with residential, health and welfare services as well as intensive casework support.

Although community detention is a form of detention, asylum seekers are not monitored by detention guards as they would be in held detention. They have the opportunity to move around in the community, engage in activities and social events in the community, and experience some semblance of normality in their lives. Clients speak of the increased level of independence they experience through, for example, being able to shop for their own groceries, plan and cook their own meals, and organise their own transportation to appointments. It gives them the ability to stay in closer contact with friends, family members and support networks. Families have reported that their children fared much better in community arrangements than they did in closed detention.

Community detention costs less than the management of high-security detention centres (which incur high building and capital costs as well as more intangible costs from issues such as mental health deterioration). In contrast, community detention reduces costs on all these levels.² Community processing also reduces future funding pressures on health and welfare systems that asylum seekers in prolonged detention invariably require.

"Community detention is different. I am appreciative of the fact that we are not escorted by ... guards 24 hours a day every week. We have more freedom."

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Community detention affords people a better understanding of life in Australia and better opportunities to learn English and make connections in the community, which will enhance their prospects for settlement should they eventually be granted a permanent visa. Those who are not granted refugee status have been shown to be more willing to return to their countries of origin when they have been living in the community. There are lower rates of suicide and self-harm and very low rates of absconding from community arrangements.

Challenges

As of 31 May 2013, 2,820 asylum seekers have been placed in community detention and 8,521 in Immigration Detention Facilities and Alternative Places Of Detention.³ Although the community detention programme has been extremely successful, it has not been without its challenges. While the programme is fully funded by government, there remains a shortfall in services that the people in community detention would like to access but cannot, such as disability services and travel concessions. Asylum seekers in community detention live on a very basic allowance which they have to use to pay for their own food, travel, utilities and day-to-day expenses. They are not allowed to work and so are reliant on this small income alone.

"Yes, we have no wire fences around us and we can move in the community but there are still so many restrictions to our movement. There still is a curfew. Money is very limited and the wait for our visa to be processed seems endless. Our life is still in limbo." (Hazara asylum seeker who has been in community detention for over a year)

However, clients have permission to engage in unpaid, voluntary work, as a way to interact with their local community, build relationships, improve their English language skills and obtain new skills. This, combined with their experience of community detention, may help facilitate a quicker entry to the workforce once a visa is granted.

It is often difficult for organisations like JRS to locate appropriate accommodation and

to deliver the required level of service to these people. Furthermore, communication shortcomings can mean, for example, that the outflow of asylum seekers from detention into the community is not always seamless, and asylum seekers may be kept in held detention longer than necessary.

Most recently, the programme has been complicated by a New Model of Care introduced under the government's No Advantage Policy in 2012. Under this policy asylum seekers who arrived after 13 August 2012 receive a smaller living allowance, have no work rights, face a claims processing wait of up to five years and can potentially be moved without notice to any of the regional processing centres at any time during their stay in community detention.

Human rights and church-based groups need to continue to robustly advocate for improvements in community detention programmes. Unlike people held in closed detention facilities, asylum seekers and refugees in community detention are able to live in a relatively normal environment despite their abnormal circumstances and to personalise the space they reside in. Community arrangements appear to help people cope with the stresses associated with undergoing often lengthy and sometimes traumatic refugee status assessment procedures and, when underpinned by appropriate opportunities and support, comprise a far more humane and effective model than closed detention.

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1. Silove D, McIntosh P, Becker R 'Risk of retraumatisation of asylum-seekers in Australia', *Australian and New Zealand Journal of Psychiatry*, 1993, Vol 27, No 4, pp606-612 <http://tinyurl.com/Silove-McIntosh-Becker-1993>

2. Senate Estimates, Legal and Constitutional Affairs (13 February 2012) <http://tinyurl.com/Aus-Senate-13Feb2012>

3. IDF is a purpose-built detention facility. APOD is a place such as a hotel or hospital used as detention facility where detainees are kept under guard.