



# AUSTRALIAN DEMOCRATS IMMIGRATION BUDGET PAPER

*May 2004*

## **Executive Summary**

The current system of mandatory detention and the Pacific Solution is economic irrationalism at its worst. The administrative reasons for detention are false and the costs far outweigh the purported benefits. The system has been denounced by major NonGovernment Organisations, churches, lawyers, medical bodies, community groups, the Human Rights Commission and concerned citizens.

Many proposals for alternatives have been put forward. They not only bring Australia in line with our international obligations, they cost far less in financial and human impact.

Alternate proposals to mandatory detention would provide significant funds that could be spent on health and education programs.

	Saving Per Year
End mandatory detention	\$42m
<u>End Pacific Solution</u>	<u>\$78m</u>
<b>TOTAL per year</b>	<b>\$120m</b>

In addition, over **\$230 million** has been wasted on building detention centres in the past 3 years. <sup>1</sup>

## **Border Security**

Border security is an important part of the defence of any nation. However this does not have to be won at the expense of human rights, basic freedoms, the deaths of refugees and the destruction of our international reputation.

Spending on border protection should be clearly defined into separate programs of national defence and those that target illegal fishing, drug and people smuggling.

- *Turning boats with women and children away does not give us national security.*
- *Detaining people in the Pacific Solution does not give us national security.*
- *Breaching United Nations conventions does not give us national security.*
- *Holding asylum seekers in desert facilities does not give us national security.*
- *Denying refugees permanent protection does not give us national security.*

It is time for some clear solutions that will grant real security to Australians, while upholding the vital principles of democracy, freedom and a fair-go.

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<sup>1</sup> MPS 33/2002, Minister for Immigration.

## **Detention**

When people question the rationale for prolonged immigration detention, a few reasons are repeatedly given. These reasons do not stand up to the facts.

### **1. Stop people absconding.**

The majority of asylum seekers are people who arrive in Australia on a visa and then apply for asylum onshore. Almost all of these people are allowed to live in the community without health or security checks. They are not considered at risk for absconding even though the proportion of those found to be refugees in need of protection is much lower than those who arrive without a visa i.e. boat arrivals.

Since the majority of asylum seekers do not have to be detained, it is illogical to argue that those who have arrived without a visa (and are more likely to be genuine refugees) need to be detained.

### **2. Ensure people are available for interviews during processing.**

There is very little interaction with DIMIA and asylum seekers during the processing period. People requesting visas have a vested interest in ensuring they are available for interviews. It is ridiculous to say that detention for four years is necessary for the purpose of conducting three 1 hour interviews.

### **3. Send a clear message to people smugglers.**

This presumes that detention will be seen as a punishment for using a people smuggler. Under the Australian constitution, only the courts are allowed to administer punitive detention. Therefore if we are “sending a clear message to the people smugglers” we are in breach of our constitutional separation of powers. The evidence also shows that the number of people seeking asylum did not decrease after the introduction of mandatory detention.

## **Alternatives**

Many alternatives to mandatory detention of unauthorised arrivals have been put forward by NGOs and community organisations. Following is a policy that would provide security, ability to detain and deport visa overstayers while ensuring our compliance with international conventions:

- Maintain Villawood and Maribyrnong facilities for visa overstayers and criminal deportees.
- In an appropriate facility, accommodate asylum seekers for a 4-8 week health and security screening, after which they would be released into the community unless there are strong reasons on health or security grounds. Any attempt to use these grounds to detain people further must be open to appeal.
- On arrival, asylum seeking families would be immediately housed in separate facilities run by NGOs.
- After release, asylum seekers would be granted financial and casework assistance.
- All asylum seekers who enter Australian waters should be processed onshore
- The above would enable the scrapping of Baxter, Port Hedland, Darwin, Christmas Island, Manus Island and Nauru facilities. Proposed new facilities at Christmas Island and Brisbane would also be scrapped, saving hundreds of millions of dollars.

## End Mandatory Detention – Provide Community Accommodation

Once adult asylum seekers have passed necessary security and health checks, they should be released into the community. These checks can usually be completed within 4-8 weeks. During this period, families should be accommodated in hostel-style accommodation, not detention.

### Current Costs

The current estimate for detention is approximately **\$87m** per year for accommodation, staff and other administrative costs.<sup>A</sup>

### Alternatives

The Asylum Seeker Assistance Scheme<sup>B</sup> is a program already in place to provide a living allowance and casework to eligible asylum seekers in the community. This program could be extended to all asylum seekers after release from health and security checks. This program costs \$44 per person per day<sup>2</sup>. Forms of security such as used for parole releasees cost approximately \$8 per person per day<sup>3</sup>, so the total cost would be **\$52 per person per day**.

The yearly cost for alternate programs would be **\$44.9m** per year

	\$32m	Visa overstayer detention
	\$3.7m	Asylum seeker 4-8 week detention for security checks
	\$9.2m	Asylum seeker community release for processing
Total	\$44.9m	
<b>Saving</b>	<b>\$42.1m</b>	(not including savings from capital costs of facilities)

## End Pacific Solution and Manus Island

As of February 2004, **\$170m** has been spent on the Nauru and Manus Island facilities<sup>4</sup>. To allow the centre to continue Nauru has also been granted aid packages of **\$41.5m** for 2001-03<sup>5</sup> and **\$22.5m** for 2003-05<sup>6</sup>.

This brings the average yearly cost to **\$84m**

Onshore community accommodation costs would have been **\$6m** per year, saving **\$78m** last year alone.

## Bridging Visa E

People on this visa face conditions that force them into the private charity system, reliant on NGOs or ad-hoc community groups for basic needs such as food and shelter.

- 95 % of people on BVEs have no access to Medicare or work rights<sup>7</sup>
- 68% are homeless or present high risk of becoming homeless
- There are approximately 8000 people on BVEs

<sup>2</sup> Source: 1999-2000 and 2000-01, DIMIA Fact Sheet 62, Assistance for Asylum Seekers in Australia (November 2001) and 2001-02 Australian Red Cross Annual Report, p13 and p66

<sup>3</sup> RGS 2003, Table 7A.7

<sup>4</sup> Immigration Estimates 17 February 2004

<sup>5</sup> AusAID Pacific Program Profile 2003-04 pg 28

<sup>6</sup> Media Release, Minister for Foreign Affairs, 5 March 2004

<sup>7</sup> Justice For Asylum Seekers 2003

This cost of supporting these people is already being paid by the welfare sector and community groups. The Asylum Seeker Assistance Scheme should be extended to all people on BVEs.

### **Offshore Humanitarian Program**

There has been an increase in the numbers of visas for the refugee and humanitarian programs, with matching funding increases for the settlement services provided to those categories.

While the Australian Democrats welcome this positive step, it is overshadowed by other areas of the Immigration portfolio which fall far short of international law and conventions. Australia cannot repair our negative reputation in refugee policy and the damage we have done to attempts to improve international efforts to assist refugees just by offering 2000 extra places.

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#### <sup>A</sup> **Immigration detention centre costs - average over 2003-04**

Approx detainee days for 2003-04 = 400,400 (average 1100 detainees at any given time x 364 days) In 2003-04 asylum seekers generally made up 50% of detainee population.

Detention costs DIMIA between \$111 to \$725 per person per day. A costs estimate for expected numbers next year would be: **\$87million**

	average population	per day cost	total year cost
Baxter	280	310	\$31,595,200
Port Hedland	100	286	\$10,410,400
Villawood	600	111	\$24,242,400
Maribyrnong	60	248	\$5,416,320
Perth	10	589	\$2,143,960
Christmas Island	50	725	\$13,195,000
<b>Total</b>	<b>1100</b>		<b>\$87,003,280</b>

Source:

Additional Estimates Hearing: 17 February 2004. Immigration and Multicultural and Indigenous Affairs Portfolio

Situation Reports from GSL site summaries & DIMIA

#### <sup>B</sup> **Asylum Seeker Assistance Scheme**

This program "assists eligible asylum seekers living in the community to meet basic income support and health needs while they wait for their application for refugee status to be determined." Red Cross Annual Report 2001-02, p13

Costs are       \$24 per person per day for income assistance  
                   \$20 per person per day for Red Cross casework service

Currently, eligible asylum seekers are only allowed access to this program if they have lodged a protection visa application for more than 6 months.

In 2002-03, the Scheme assisted 1,865 clients at a cost of \$9.566 million.