

Mandatory Detention

AUSTRALIAN DEMOCRATS ACTION PLAN
MANDATORY DETENTION
IMMIGRATION AND MULTICULTURAL AFFAIRS

The United Nations Refugee Convention Article 31:

The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

“We believe the rationale given for detention is flawed and the human and financial cost unacceptable”

Senator Andrew Bartlett
Spokesperson on
Immigration

The Australian Democrats have always opposed mandatory detention of asylum seekers. We will continue the fight to end detention and other refugee policies that are an abuse of human rights. We believe the rationale given for detention is flawed and the human and financial cost unacceptable:

Rationale for Detention

There usually are reasons given for prolonged immigration detention of asylum seekers. The Democrats believe none of these reasons stand up under scrutiny.

1. To stop people absconding - The majority of asylum seekers, who apply after arriving with another visa, are allowed to live in the community without health or security checks. They are not considered at risk of 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 found to be refugees) need to be detained.

2. To ensure people are available for interviews during processing - 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. To send a clear message to people smugglers - Under the Australian constitution, only the courts are allowed to administer punitive detention, so if a purpose of detention is really to “send a clear message to the people smugglers” it constitutes unlawful imprisonment, as it is a clear breach of the constitution. There is also no evidence that the introduction of mandatory detention led to any reduction in the activity of people smugglers.



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Current Costs of Mandatory Detention

The current estimate for detaining asylum seekers on the mainland is approximately \$70 million per year for daily running costs of accommodation, staff and administration.¹

This does not include the cost of detention on offshore places such as Nauru, Manus or Christmas Island. The total cost of running Nauru in 2005-06 was \$21.4 million; and for Manus, \$2.8 million².

Ongoing maintenance of Nauru is estimating to cost taxpayers \$1.8 million a month.³

The total cost of the Pacific Solution since its inception from 2001 to May 2005 has been \$218 million⁴.

This has not even taken into account the hundreds of millions that have been wasted on building detention centres in the past 6 years.

Alternative Programs

Alternatives to mandatory detention for asylum seekers have been put forward by many NGOs and community organisations. The Democrats propose the following alternatives to detention to provide security, whilst ensuring our compliance with international conventions:

- All asylum seekers who enter Australian waters will be processed onshore;
- Asylum seekers will initially be accommodated for a limited period of time in facilities monitored by NGO's, to assess health, security and social service needs;
- When this assessment is complete asylum seekers would be released into the community with financial and casework assistance whilst their application for protection is completed;
- Case work assistance will continue for those whose applications for protection are unsuccessful to ensure they are able to meet appeal deadlines or arrange return travel; and,
- A short-term detention facility will still be required for visa overstayers and criminal deportees who are about to depart the country. This should continue to be located in a major capital city.

¹ Additional Estimates Hearing: 13 February 2005. Immigration and Multicultural Affairs Portfolio. Detention Costs and detainee days to 31 January 2006 for financial year 2005-06

² Senate Estimates, May 2006

³ Senate Estimates, May 2006

⁴ Senate Estimates, May 2006



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