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UNWELCOME VISITORS:

Challenges faced by people visiting immigration detention

Alicia Rodriguez
Moones Mansoubi
Research Coordinator
Sahar Okhovat

Refugee Council of Australia

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Cover photo: A statue made from a bar of soap by a Burmese man who was sentenced to 7 years in prison for his presumed links to opposition. He gave this to a delegate from International Committee of Red Cross and Red Crescent who visited prisons and places of detention. ICRC museum, Geneva. ©Refugee Council of Australia

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1 Executive summary

> It is really important that visitors play the role of witnesses in a system where there is no independent scrutiny. By making it hard for us to get in, we are placing people at risk.
> — A detention visitor from Victoria

> The Australian legal framework that applies to asylum seekers and refugees is rather complex and continuously amended, making it challenging for individuals to understand their rights and the options available to them, without assistance. Lawyers and human rights advocates who assist refugees and asylum seekers in immigration detention in Australia face many barriers. They include situations when detainees are not allowed mobile phones; when telephone calls and visits are hard to arrange to detention centres (particularly Christmas Island Immigration Detention Centre); and detainees are frequently moved and without notice; interpreting services are limited and procedures are frequently changing.
> — Michel Forst, the UN Special Rapporteur on the situation of human rights defenders [1]

Every day, ordinary Australians visit people detained in Australia's onshore immigration detention facilities. This is an important and often under-appreciated role. These visitors provide emotional support to people in detention, advocate on their behalf and fill in the gaps that exist in provision of services and information in immigration detention facilities.

It is not easy to visit people in immigration detention, to hear their stories and to speak up for those who are the victims of Australia's current punitive approach to people seeking asylum. Visiting immigration detention facilities takes time, energy and commitment, and often has a significant impact on the wellbeing of visitors. Yet, all too often, we hear some politicians and media outlets falsely blaming these visitors and advocates for encouraging people to harm themselves or to disobey rules.

Over the past year, the Refugee Council of Australia (RCOA) has increasingly heard from these visitors that security conditions in immigration detention facilities are being intensified and it is now more difficult to visit people in immigration detention. Correspondingly, people in immigration detention are becoming increasingly isolated from the wider community, with negative impacts on their mental and physical wellbeing.

These concerns led us to conduct a national study to explore these issues further. This report is the result of our extensive research and consultations with detention visitors and people previously held in detention. It explores the challenges faced by people when trying to access detention facilities, including:

- constantly changing rules and their inconsistent application
- difficulties in arranging a visit, including searches and drug tests
- lack of adequate space in visitor rooms in some facilities
- arbitrary rules and intensified security conditions that make visits less friendly, and
- specific challenges faced by religious visitors.

This report identifies the impacts of those difficulties on both visitors and people detained and puts forward a number of recommendations to address those challenges.

This report showcases the spirit of volunteerism in Australia, presenting the accounts of many volunteers who continue visiting detention facilities despite difficulties, so they can bring people hope and get their voices and concerns heard.

People who visit immigration detention often provide the only public information about what is happening in our immigration detention facilities. This is because Australia does not have an official national body that publicly and regularly reports on visits to immigration detention facilities.

The Refugee Council of Australia welcomes the Australian Government's commitment to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) by the end of 2017. We hope that this will result in greater scrutiny of immigration detention and ultimately better treatment of those in detention.

This report was made possible by Alicia Rodriguez and Moones Mansoubi, RCOA's detention research volunteers, who generously dedicated over 300 hours of their time conducting interviews, collating information and drafting the report. RCOA thanks them for their dedication and time. We also thank Kelly Walsh who helped us with the design of this report.

1. Michel Forst, *End of Mission Statement by United Nations Special Rapporteur on the Situation of Human Rights Defenders: Visit to Australia* (18 October 2016) http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20689&LangID=E#sthash.Zm48TnTn.5Me5qX3O.dpuf

2 List of recommendations

Recommendation 1: Recognise their role and engage

The Department of Immigration and Border Protection (DIBP) and the Australian Border Force (ABF) should recognise the important role of detention visitors. They should engage in more effective dialogue with the visitors, inform them of proposed future changes and seek their feedback. This should include institutional channels of communication as well as more flexible forms of dialogue.

Recommendation 2: Rules should be revised to better reflect and mitigate risks

In developing and managing rules on visits, DIBP and ABF should give greater weight to the administrative nature of immigration detention, to past compliance by visitors and those they are visiting, and to whether the perceived risks can be mitigated in other ways.

Recommendation 3: Rules should be consistent and public

DIBP and ABF should ensure consistency in how the rules around visiting processes are applied in each centre and across the network.

Recommendation 4: Improve processes for drug testing

DIBP and ABF should work with Serco to improve processes for drug testing, including better training for staff and appropriate procedures for ensuring visitors are informed of their rights and processed in a timely way.

Recommendation 5: More relaxed visits

DIBP and ABF should ensure there are more opportunities for less structured and more relaxed community visits and gatherings.

Recommendation 6: Revise arbitrary rules

DIBP and ABF should revise the arbitrary rules that are putting unnecessary pressure on people in detention and the visitors (for example, the rules requiring people in detention in Melbourne ITA to apply to visit each other, and rules in Brisbane ITA preventing people sitting at different tables from speaking with each other or sharing food).

Recommendation 7: Changing population needs should be considered in planning

The change in detention population and their needs should be considered in future developments of detention facilities.

Recommendation 8: Train frontline officers in reception process

DIBP and ABF should work with Serco to develop training for frontline officers to ensure the reception process is organised and streamlined.

Recommendation 9: Support religious service providers

DIBP and ABF should better support religious service providers to deliver their services and the entry process should be relaxed for them.

Recommendation 10: Improve translated information on visiting

DIBP and ABF should improve the availability of translated material on visit booking system and the reception process.

Recommendation 11: Improve public information

DIBP and ABF should improve the availability of public information.

Recommendation 12: Establish independent review of detention

DIBP should establish a transparent and independent process for reviewing detention.

3 Introduction

The changing context in recent years

On 1 July 2015, the Department of Immigration was merged with Australian Customs and Border Protection, and the Australian Border Force (ABF) was established. The Department of Immigration and Border Protection (DIBP) considers the ABF to be the 'operational enforcement arm' responsible for the operation of immigration detention. ABF works with detention service providers[2] and directs day-to- day operations and overseas the management of those facilities.[3]

In its submission to the Senate inquiry into the Australian Border Force Bill in 2015, RCOA stated that its overriding concern regarding the merger of the Department of Immigration with the Australian Customs and Border Protection Services was:

> "the apparent shift away from a facilitation-centred approach to migration, refugee protection and citizenship to an enforcement-centred approach. The creation of the Australian Border Force suggests that enforcement is to become an overarching focus for all areas of the agency, rather than being limited to those sections which have a specific mandate for enforcement.[4]

This 'enforcement-centred approach' with its emphasis on compliance has resulted in a highly restrictive detention regime. This approach is the underlying cause of the challenges faced by visitors to detention recorded in this report.

Amendments to the Migration Act 1958 have been another significant factor. These amendments have made it easier to detain people on the basis of their 'character'. These amendments greatly extend the powers to detain non-citizens because of their criminal records or related 'character' concerns. Some of these amendments require automatic cancellation of people's visas if they are sentenced to prison for 12 months or more. This means if they are not in prison, they will be detained in immigration detention until they are granted a visa or leave Australia.

This has meant that people seeking asylum are being detained with a greater number of people who have spent time in prisons. It also means that new security measures have been introduced into detention centres, affecting both people in detention and their visitors.

Visiting detention centres

Australia holds people in immigration detention in a variety of places across the country (see *Figure 1*). Some of these are located closer to the main capital cities. For example, Villawood Immigration Detention Centre (IDC) and Melbourne Immigration Transit Accommodation (ITA) are located about 25km from the centre of Sydney and Melbourne respectively, and are easily accessible by public transportation.

However, other detention facilities are located in more remote areas. Yongah Hill IDC, for example, is located in the city of Northam, about 100km from Perth. There are few public transport options from Perth to Northam station, and there is no public transport for the extra 7km to the centre itself.

Access to North West Point IDC in Christmas Island is much more challenging. The flights to the island are limited and expensive. The cost of accommodation and food is quite high.

Figure 1: Map of Australia's immigration detention facilities (May 2017)

2 In Australia, the immigration detention service providers are Serco and International Health and Medical Services (IHMS). Serco is responsible for the security of the detention facilities, as well as welfare and engagement of people in detention. IHMS provides healthcare services to people in detention.

3 'Role of the Australian Border Force', Department of Immigration and Border Protection https://www.border.gov.au/about/immigration-detention-in- australia/abf-role

4 Refugee Council of Australia, Australian Border Force Bill 2015 & Customs and Other Legislation Amendment (Australian Border Force) Bill 2015 (Submission, Senate Legal and Constitutional Affairs Committee, April 2015) http://www.refugeecouncil.org.au/wp-content/uploads/2015/05/1504-ABF.pdf

People can visit these detention facilities in different capacities. Currently, the Department lists on its website those who can visit (subject to conditions) as friends and families, lawyers and migration agents, religious service providers, volunteers and community groups, detention monitoring agencies and some other officials.[5]

Some of the visitors, especially those who have been visiting the facilities for many years, have been able to raise issues in detention with those managing and running the centres. One of the ways to raise those issues is through Community Consultative Groups. These are meetings held in detention facilities between representatives of some community organisations, many of whom are detention visitors, and detention management. However, as this report argues, there is a need to expand the opportunities for this kind of engagement and dialogue.

Researching this report

For this report, RCOA spoke to many detention visitors across Australia about their experiences during the visits. They spoke about the impacts of visits on them and the increasing challenges they face in accessing people in detention. They spoke about the increased security environment of immigration detention facilities, resulting in highly regulated and monitored visits.

We also spoke to people who were previously in detention to understand how having visitors affected their wellbeing, and to hear from them how the difficulties in receiving visitors affected their time in detention. RCOA decided not to interview people currently in detention for this report, because of their and our concerns about any adverse impacts of speaking out. However, the views of this group are presented throughout this report, through the feedback and reports we received from their supporters.

To carry out this research, RCOA conducted interviews and received feedback from 55 people across all Australian states and territories where there are or have recently been detention facilities.[6] This includes 15 people who were previously in detention. Many of our research participants have been visiting immigration detention for over 10 years, with a few who have been volunteering their time since the early 1990s.

We were able to speak to visitors of all onshore immigration detention facilities. During the course of this research, two places of detention closed (Wickham Point Alternative Place of Detention (APOD) and Perth Immigration Residential Housing (IRH). Since access to offshore detention facilities is extremely difficult, this report is only about facilities in mainland Australia as well as North West Point IDC in Christmas Island.

We also made sure we spoke to individuals who visited detention facilities in different capacities, including social visitors, religious service providers and lawyers. Many of the visitors we spoke to were part of larger groups which regularly visit detention facilities. Some, however, continued to visit as individuals.

Most of the information was collected through semi-structured interviews that ran for up to an hour on average. Participants could also send through written responses. All research participants were given the opportunity to contact RCOA as many times as necessary with further updates. The list of interview questions is available in Appendix 1. As most people who spoke to RCOA did not wish to be identified, all names and affiliations have been removed.

RCOA welcomed an opportunity to present its findings to the Australian Border Force in advance of publishing this report. We were able to raise and work through some of issues identified in the course of our research, and look forward to continuing this dialogue in the future.

5. 'Visiting an immigration detention facility', *Department of Immigration and Border Protection*, https://www.border.gov.au/Busi/Comp/Immigration-detention/visiting-a-facility

6. As there was never an immigration detention facility in Australian Capital Territory and Pontville Immigration Detention Centre in Tasmania closed over three years ago, we did not interview people based in those states and territories.

4 Impacts of detention

The cruelty of detention in Australia

Three features make immigration detention in Australia especially cruel:

- the length of time people are spending in detention (currently an average of 443 days[7])
- the absence of an independent review process, and
- the fact that all non-citizens in Australia who do not have a valid visa are required to be detained under Australian law.

These policies have long been severely criticised by national and international independent observers, service providers and academics.

These factors are the main reasons people in detention suffer from extremely poor mental health, causing numerous incidents of self-harm.[8] This has been well documented by medical professionals. For example, Dr Peter Sainsbury, the former president of Public Health Association of Australia, characterised immigration detention facilities as "psychosocially destructive environments".[9]

Social isolation, uncertainty, lack of reliable means of communication and being left to one's own thoughts in a confined space, are the daily realities of life in detention. For almost a quarter of those now in detention, they have been living like this for more than 730 days.

Many of the participants in our research spoke about the mental strain caused by detention. They told us about their firsthand experiences of watching people deteriorate. In the words of one of the visitors in Victoria:

> "It is a cruel system designed to deter people coming here and it is breaking people and that's the hardest part about visiting. You see someone who has just arrived in detention, 2-3 months, maybe even 4 months they're OK and then you watch them decline. You see them come out, their hair is unwashed, their eyes are dull, they can't smile, they are barely able to function. You know they've got the detention sickness and they are on the road downhill.

New challenges in detention

This decline has been made worse by a lack of meaningful programs and activities in recent years. RCOA heard constantly that programs and activities now lack a real purpose and merely exist to fill the time. People in detention comment that the daily activities do not provide them with any skills or respite from the stressful environment of detention.

With no structured activities over the weekends, except for access to some sporting equipment, days feel longer and meaningless. While previously people could leave the detention facilities for a few hours to visit parks, swimming pools or places of worship, in recent years excursions have become either severely limited or have been stopped altogether.

The negative impacts of detention are made more profound by being housed with people who have spent time in prisons, being mechanically restrained for outside appointments (including appointments with health professionals) and random room searches. These practices also strengthen the perception amongst people seeking asylum that their detention is not an administrative measure, but designed to punish and deter.

As one visitor noted:

> "The men obviously fear the night with the nightmares and room searches that come with it, but they just as equally fear the days. The days are so long and without any activities, it really takes a toll on their mental health.

These everyday challenges highlight the important role of detention visitors. Family, friends and community members who visit people in detention are the few remaining protective factors. They bring a sense of normalcy and community. However, they are facing increasing challenges.

7 Department of Immigration and Border Protection, *Immigration Detention Community Statistics Summary* (31 May 2017) http://www.border.gov.au/ReportsandPublications/Documents/statistics/immigration-detention- statistics-31-may-2017.pdf

8 Pauline McLoughlin and Megan Warin, 'Corrosive Places, Inhuman Spaces: Mental Health in Australian Immigration Detention' (2008) *Health & Place* 254.

9 Pauline McLoughlin and Megan Warin, 'Corrosive Places, Inhuman Spaces: Mental Health in Australian Immigration Detention' (2008) *Health & Place* 254.

5 The importance of detention visitors

A lifeline

Visitors are one of the few lifelines that people in detention have with the outside world. Most of those detained in immigration detention facilities report lacking the required access to legal advice and information. As previously mentioned, they also lack meaningful activities to fill their time and to have social interactions with others. We heard consistently from those in detention that the visitors are those who fill this void.

Visitors help people to navigate an extremely complex immigration and legal system by providing information, assistance and referrals. A visitor based in Victoria reflected on how she works to fill the void created by lack of legal advice and delayed access of lawyers to people in detention:

> "One of the great concerns I have now is the timeline for people to lodge. If someone arrives in detention on a character cancellation, it's two days for them to lodge an appeal. For an AAT [Administrative Appeals Tribunal], its 7 days and for another process it's 9 days. If you have to get papers signed and get these things lodged it makes it very difficult. Often, I do those things because the lawyers are required to apply 48 hours in advance to enter [the detention facility] and they often get put off and they can't access the clients. So, it is easier for me to go in as a visitor. But I think that perhaps legal processes are put at risk by these restrictive processes. You find people who don't have the language skills, who don't know anybody.

A visitor who used to visit Wickham Point APOD agreed:

> "I think without the assistance of advocates, people won't be able to navigate this complex system by themselves and they would just get completely lost.

Detention visitors continue to advocate on behalf of people in detention to make sure their needs are addressed. In an environment where Departmental case managers are often hard to contact, questions are left unanswered and health concerns are unexplained, advocacy plays a major role in ensuring human rights standards are upheld.

Many people not only advocate on behalf of people in detention but also help them know their rights and assist them in advocating on their own behalf, for example by helping them request their medical records.

People we spoke to were determined to fight the idea that a human being can just be forgotten about. They continue to share their observations and the stories they hear, and talk about what is happening inside the places of detention in Australia.

The spirit of mateship

The impact of visitors on people in detention will be discussed in more detail at the end of this section. In brief, many people who spent months or years in detention facilities, uncertain about their future, commented that detention visitors brought humanity and friendship to their lives and alleviated their stress. The example below, shared with us by a visitor to Villawood IDC, is a true illustration of this:

> "There was a wedding party at Villawood. The officers did not allow us to play music or have musical instrument in the visiting area. The atmosphere lapsed into tense silence. A wedding party needs music. So, we started improvising with the people in detention making music with whatever objects which were around, including tapping on the tables. The atmosphere was filled with joy.

A participant who was previously in detention stated the following when asked about the impact of visitors on his life in detention:

> "Most visitors I had were Australian. I had a friend from my home and he used to visit once a month but mostly I had friends from Australia visit me at the visit room. They used to come, they are still going there and visiting the guys. They are really nice people who are caring to help. They understand humanity and I wish your government could have 10% of their humanity. I think in Australia you call it the spirit of mateship. I wish your Government had that spirit of mateship.

During the course of our consultations, it was valuable for RCOA to listen to different approaches people take when trying to support people in detention. For example, one of the participants based in New South Wales reflected:

> “Some people detained don’t want a case manager approach. They just want a normal everyday human being to visit them as opposed to feeling like they have been cased managed or counselled or [being asked to tell] … the horrible story over and over, for them to be recorded again and then they feel like nothing much is happening..

Visitors have also helped people in detention tell their stories and talk about the impacts of detention, mostly through art. The ‘Refugee Art Project’, which provides art workshops for people detained in Villawood IDC and shows the artwork in public exhibitions, is a remarkable example of this.10 Similarly, one detention visitor from Victoria told us about her work with people in detention in that state:

> “I tried to find avenues to create activities for people detained that might engage them during the day a bit. And out of that, there is a small group of people who are now called artists, creating amazing artworks. I offered to put on an art exhibition. It was more about giving them a goal. I could see how hard it was for some of them. Producing artwork and creative work in that environment is incredibly hard, like you are struggling against everything…[you] just want to give up and later… you get to try, imagine, draw and create…And they did it. In the end, it turned into a little art exhibition which was called ‘Over the Fence’ in … Victoria. It was very well attended and the money raised [was used to] … resource them further, and it had an impact on them that their work has been shown to public. I called it ‘Over the Fence’ because in a way they loved to jump over the fence, even if they physically couldn’t get out, actually the exhibition itself, the artwork did.[11]

A person to trust

Arguably, one of the main reasons that community advocates and visitors have become so effective in communicating with and advocating for people in detention is because of their ability to develop a relationship built on mutual trust and respect. This level of trust has at times made detention visitors and advocates privy to information that people in detention may not disclose to others.

It is encouraging to hear people in detention have someone to speak to, about their personal stories or thoughts. However, hearing about matters like suicidal thoughts or accounts of abuse and neglect can place an enormous burden and responsibility on the visitors who remain the main trusted point of contact for people in detention:

> “We had a guy try to hang himself two days ago. He is in hospital now. If they are worried about things they’ll tell us constantly that they’re suicidal and want to kill themselves. They’ll tell us.
> -—A detention visitor in New South Wales

That level of trust on numerous occasions created an opportunity for advocates and visitors to help detention service providers calm stressful situations and resolve conflicts. This is in stark contrast to their portrayal by some media outlets and politicians. For example, in the Northern Territory when a number of people detained in Wickham Point APOD engaged in a prolonged hunger strike, the coordinator of a local advocacy organisation assisted in breaking down the communication barriers between people in detention and authorities. As the coordinator explained

> “They had the Department talking at them every single day and they said ‘no, we are not going to eat ever again so we will die’. Then we went to see them and explained that we understand what you are upset about … but you are being processed now, so it’s not actually achieving anything for you in the long run, because the department does not negotiate with people protesting like this ... so let’s just eat and then do [other] things instead [relay your complaints in other ways]’…. [it was successful], whereas the department just says ‘eat eat eat’ and they say ‘no’.

Another example points to a program (which unfortunately has now ceased) that started in response to the level of distress of young people in detention. It shows the importance of an effective and trustworthy relationship between detention visitors and detention service providers and the benefits that relationship can have for the most vulnerable people in detention:

10. To read more about the ‘Refugee Art Project’, see Safdar Ahmed, ‘Refugee Art Project’,*Safdar Ahmed* (10 July 2012) https://safdarahmed.com/refugee-art-project/

11. To read more about the exhibition and see some of the artworks, see James Hancock, ‘Detained Asylum Seekers given Voice through Art Exhibition’, *ABC News* (20 June 2016) http://www.abc.net.au/news/2016-06-20/detained-asylum-seekers-given-voice-through-art-exhibition/7525712

> I was asked by a lawyer in another state to see [the unaccompanied minors whose cases were rejected at the primary stage] because they were her clients and she couldn't get there in time but she knew how distressed they were. One boy tried to hang himself, three of them were on hunger strike and they were really disturbed. I sat with them and talked to them and then I spoke to the immigration manager at the time, who was a decent man, and I asked if we could take them out to the park for a picnic and he trusted us, and let us do it. Those kids really turned around, we took them out a couple of times and then they went into their appeal process and of course they were all found to be refugees. They were all absolutely solid cases. After that because that director trusted us and we absolutely stuck to the rules and he could see how beneficial it was, we would regularly take out the young fellas, so we'd take them bowling etc.
> — A detention visitor in Victoria

Impact on people in detention

RCOA sought written or verbal feedback from those who had been in detention on the impact of visitors on their lives in detention. The people we spoke to spent, on average, two years in detention between 2013- 2016 and were living in the community at the time of consultation.

All of the people we spoke to highlighted the positive, crucial and constructive role of visitors in their lives, not only while they were in detention, but also after their release. For them, being visited in detention meant that someone was there to listen to them and provide a respite in difficult situations. Almost every interviewee emphasised that spending time with visitors reduced their stress, caused emotional relief, gave them mental solace, and hope
about the future. As one person previously in detention said (through an interpreter):

> The [visitors] provided respite in difficult situations, consolation and emotional support when there was nobody around me except my fellow detainees.

90% of the interviewees talked about how the visitors gave them a sense of consolation and empathy. People believed this made them feel supported and more resilient and lifted their moods. Three quarters of the people stated that visitors provided them with resources and necessities such as toys for kids, cultural food, and clothes that made them feel more dignified. Half of those we spoke to noted that visitors helped them with referrals and/or found them a lawyer.

In addition, 40% stated that visitors created positive feelings towards the Australian community, connecting them with the real Australian society and made them feel they are being seen and heard by people in the society. As another person previously in detention commented, "I felt that the hope we were given helped me accept the situation".

The support the visitors provided was not limited to the time in detention. Many of those who were previously in detention told us about the lasting friendships established during the detention visits. After people are released, many visitors continue to help them. They often give them information about the city, society and employment and help them re-adjust. Some have become like a member of one's family.

> After leaving detention, I am still in touch with them and they are present in my life as guides.
> — A person who was previously in detention

6 How visiting detention affects visitors

> “I've felt miserable, burnt out, guilty, desperate and depressed but I've also felt joy, excitement and hope.
> —A detention visitor from Northern Territory

In all of the consultations we conducted, detention visitors reflected on the impacts that visiting places of detention has had on their lives. People talked about the many positive impacts, from forming valuable friendships to gaining a better understanding of the policies our Government is implementing when it comes to offering protection to people seeking safety.

However, the challenges outlined later in this report have left many visitors feeling frustrated and hopeless. They are confronted with an inevitable sense of anger, combined with powerlessness in a system where advocating for people has become increasingly difficult and policies and procedures are increasingly unjust. This is taking a substantial toll on visitors, all of whom embody the spirit of humanity and volunteerism. If these issues are not addressed, there is a real risk that visitors will be unable to continue to provide support to an increasingly traumatised group of people.

Beauty out of cruelty

> “I gained a great deal of knowledge and understanding of global and national issues; I learnt a lot about different cultures and languages; I got to know and respect a lot of beautiful people – some of whom have become lifelong friends; I grappled with my own motives and thoughts/feelings around a lot of complex issues such as: giving, helping, caring and taking risks.
> –A detention visitor in Northern Territory

On several occasions, people expressed that visiting immigration detention facilities gave them a much better understanding of Australian Government's deterrence policies and their practical impacts on human beings. They also better understood different cultures, their needs and how they interpret and understand the policies they are impacted by.

This puts visitors in a unique position where they have a wealth of knowledge and can effectively engage in a dialogue with decision makers and detention service providers. While the government authorities and detention service providers look at most issues through the lens of risk management, visitors can bring in a different side of the story. They can bring in the testimonies of real people and talk about how those people perceive different situations. This would be greatly beneficial for managing the facilities better.

On a more micro level, the knowledge that visitors acquire through visiting places of detention promotes awareness of issues faced by people seeking asylum. Visitors can raise awareness about the effectiveness of deterrence policies and detention among people who do not have the opportunity to obtain first–hand experience and might otherwise rely on the rhetoric provided by certain media outlets and politicians.

Getting to know people as people, listening to their stories, their ideas, cultures, and feelings all expanded the horizons of visitors. People commented that this has helped them learn a great deal about different conflicts in various parts of the world, the reasons people leave their countries in the first place and why they embark on dangerous sea journeys.

> “It's quite a beautiful thing that comes out of such a negative thing, knowing all these people and their stories and their lives and their journeys. It gives us such insight and perspectives. Connecting with them is amazing.
> – A detention visitor in Victoria

Many participants in this research eloquently expressed the impacts of visiting detention on their own personal growth. Getting to know people who remain determined to achieve their rights, despite having little control over their lives and being deprived of liberty, has inspired visitors to be even more resilient. As some visitors explained, this involvement have made them feel more positive about themselves and their effectiveness in the society.

> “I feel I'm doing something useful, taking action in something I believe in, I feel I'm doing something good and helping people, and I like the people I meet. They give me hope in the resilience of human beings.
> – A detention visitor in Victoria

Many visitors noted that through the visits they are connected to people with a shared concern. They felt that these connections pave the way for making change through collaboration and collective action

.

> The positive side of that is I connected to more than a hundred people. We created a group of actions, we do heaps of fundraising, providing material to support people and support people in the community after they are released.
> – A detention visitor from Victoria

Many visitors and the people they meet in detention stay in touch after they are released. Both groups talked about the great value of this friendship and support.

> I have got seven guys in the community who now visit my home, they are my family, and they are deeply cherished by me and I know that they really value my friendship and I certainly wasn't expecting that ever, they are the most delightful people I have seen.
> — A detention visitor in New South Wales

The burden of injustice

> I constantly battle with a sense of hopelessness, with despair and depression, [thinking about] all that our country is doing to them. That's the overwhelming negative, it is very costly. I think it's unavoidable and that would be, I think, a shared experience by everyone that visits..
> – A detention visitor from Victoria

For many detention visitors, it is the perceived injustice that negatively affects them. Many feel guilty and helpless when they can see how Australia's deterrence policies directly impact people who fled persecution and conflict. Further, many feel like they are at an impasse when they see no effective avenues for complaints.

> The negatives are definitely that it puts a strain on you... Sometimes I feel depressed and frustrated because I can't say to them when they're going to get out and what's going to happen... I can't give them false hope and I can only say that people are helping them, that we are doing everything we can, that we are supporting them. I feel frustrated, I feel angry at the government for treating people this way, so there have been times that it does get me down. I found sometimes after I leave the centre, it takes me a little while to re-adjust my head.
> –A detention visitor from Queensland

The very real experience of re-adjusting when people come out of a centre is one we heard on several occasions. For example, the very few people who visited North West Point IDC in Christmas Island talked about the almost surreal contrast between the natural beauty and tranquillity of the island and the cold and 'prison-like environment' of the detention centre. Similarly, with a facility like Villawood IDC that is tucked in between the busy suburbs of culturally diverse Western Sydney, the contrast can feel like flicking a switch on reality when leaving the detention centre.

Moreover, visitors find it difficult to deal with the realisation that what they are seeing is happening in a country they are so proud of.

> I've learnt a lot to date. This is horrifying.
> — A detention visitor from Queensland

The mental health and wellbeing of visitors are greatly affected by the serious issues people in detention disclose to them, which at times require immediate action. These challenges, combined with increasing difficulties in visiting and addressing complaints, can increase the risk of losing such an important support mechanism for people in detention.

Many of the visitors we spoke to have been visiting places of detention for decades. They have seen various cohorts of people in detention and therefore fully understand that at times rules need to change to effectively manage new cohorts. Their concerns, and their recommendations, draw from years of on-the- ground experience and expertise.

RCOA was extremely concerned to see that even the most resilient visitors broke down during the interviews. Pressures on visitors to detention have left many increasingly feeling hopeless and frustrated.

These concerns are powerfully reflected in a written submission provided by a visitor in South Australia. Reflecting on the experiences of community visitors and relatives of those in detention, he stated:

> I have seen visitors come to be as broken as the ones they visit. I have seen marriages broken under the strain and visiting children put through damaging routines of daily or weekly separation from their parents when they leave at the end of the day. Some of those who have visited their brothers, friends or spouses have been saints, but in the end, they were broken by the strain... To be honest, while I go to the detention centre to bring hope, I often find nowadays I have, like the detainee, been drained of any hope.

7 Making visitors unwelcome

New challenges for visitors

The increased security and the enforcement-centred approach of the Australian Border Force have changed the detention environment for both those in detention and for their visitors. This section of the report records the issues that visitors have faced in continuing to play their crucial role.

Constantly changing and inconsistent rules

All detention visitors who spoke to RCOA expressed concern about the inconsistent and rapidly changing rules and regulations. Several research participants felt that the constant change of rules both confuses and frustrates visitors and people in immigration detention. Our research has also found that the rules are often applied inconsistently, not only between different detention facilities but even within the same centre, depending on the staff implementing the rules.

RCOA was informed that ABF is working towards a national detention visit policy, which will be made publicly available once endorsed. RCOA is encouraged to hear this and hopes this document becomes available for detention service providers and public as soon as possible. The lack of such national guidelines results in the current inconsistent and discretionary practice of the staff at local detention facilities. It also reduces the accountability of the staff. As many people who spoke to RCOA observed, visitors currently have no knowledge of whether they have been asked to follow the right procedures, because there is nothing that sets out those procedures publicly.

According to the feedback we received, one of the rules that has regularly changed is the number of people one can visit. Even during the six-month research and consultation period for this report, RCOA was frequently contacted by the detention visitors who wanted to provide an update on the new number of people they could visit. Table 1 on page 18 provides an overview of the current number of people visitors can visit in each immigration detention facility and the capacity of visitor rooms.

Furthermore, while we understand the official policy is for immigration detention facilities to request 24 hours advance notice to book a visit, Yongah Hill IDC continues to request 48 hours. RCOA raised this issue with ABF but understands that the 48-hour notice remains a requirement and those who provide a 24-hour notice (in line with the national policy) will have their visit requests refused.

The need for some stability for those struggling with an environment filled with uncertainty is often overlooked. Community visitors told us they see the impact of those changes on people in detention and therefore make sure that their visits are at least regular:

> “We try to never miss a Thursday. We try to be very stable in that regard. The constant changes and barriers may make it difficult to keep this stability- they probably don’t care or see how important it is.
> — A detention visitor (state deleted to ensure they are not identified)

While outside of the scope of this research, it should be noted that the ever-changing rules and their inconsistent application are not limited to visit procedures. People in detention frequently report changes to the rules relating to their access to different areas of a detention facility, rules relating to how programs and activities are run, and how they receive their medication.

In raising issues about the inconsistent application of the rules, RCOA is not singling out frontline staff but rather is identifying a systemic issue that can result in staff not being fully aware of the rules they should follow. Many of the people we spoke to told us about professional encounters with the staff who tried to assist, although not always successfully. For example, according to one of the lawyers we spoke to:

> “Most Serco officers are only doing their jobs - they are all courteous and professional with me. I don’t have any issues them, but the rules and inconsistencies, as there seem to be few established written rules, makes the whole process problematic.

By advocating for more consistent application of the rules, we are not recommending that the same rules are applied to all detention facilities, irrespective of their infrastructure or the population they accommodate. What is of concern is the constant changes to the rules and requirements, especially within the same centre, without consultation or warning. As mentioned, the lack of a national visit guideline also undermines accountability.

Taking food items into visits

During our discussions about the inconsistent rules, visitors frequently talked about the confusion about the food items they could take into detention facilities. For years, detention visitors generously took various types of food into the detention facilities to share with people during the visits or to leave with them to enjoy later. The food they used to take in varied from home-cooked meals to snacks, or fruits and vegetables.

The comfort of culturally appropriate food helped people overcome the feeling of homesickness and added more diversity to the limited food options available in detention. However, the recent changes in rules and regulations have severely limited this practice. Furthermore, the relevant rules are applied inconstantly depending on the staff on duty.

Currently, in all detention facilities, the food brought by visitors has to be consumed during the visit. This is reportedly to comply with food safety standards. However, people who were previously in detention and long-term visitors remembered that in the past people could have those food items labelled and taken to their rooms. The food not consumed within a certain period would then be disposed of.

People reported that due to deteriorating mental health, some people could not eat at the specified time in the detention dining hall, some did not want to be in a busy area, and some could only fall asleep during the day. For that group, having food from the visit in their room was quite helpful as they had familiar and healthy alternatives, rather than resorting to instant noodles or toast. Currently people in detention are not permitted to take even a packet of biscuits back to their room to have it later, if they are partly consumed during the visit.

For food to be allowed in, it must now be completely cooked, sealed and pre-packaged. In Melbourne ITA for instance, visitors can no longer give people fruits and vegetables. In Villawood IDC, each visitor can only take food in for a maximum of four people. The inconsistency of these regulations burdens visitors as they are unsure if they would be allowed to take in the food they brought. One week, for example, they are allowed to take in raw vegetables and another week they are not. When it comes to soft drinks, there is no consistency about the size and type of drinks allowed in. Many detention visitors RCOA spoke to, found these inconsistencies frustrating and confusing:

> “I do not understand the rationale, how that would impact on operational matters within MITA or among SERCO staff, I just cannot see what the justification for that is, other than to provide another layer of discomfort and control [over] these people.
> – A detention visitor to Melbourne ITA

Furthermore, in some detention facilities like Melbourne ITA and Brisbane ITA, people are no longer allowed to share food during the visits with people sitting at other tables. As one of the visitors of Brisbane ITA mentioned, for years sharing and offering food was a means of connecting to people and developing friendships. It is a gesture considered a sign of respect in many cultures.

When asked about the reasons for this relatively new policy, visitors were not given any satisfactory answer apart from the vague and repeatedly used ‘operational reasons’. It is, however, difficult to understand how such practices can impact the operations. A visitor to Brisbane ITA shared an example of one visit during which they were approached by a security staff who took notes in an intimidating way of the fact that they shared food with those sitting at another table:

> “It is very distressing that such a fundamental thing is now being used as a tool to distress them further. It’s beyond cruel, it’s inhumane. I just cannot see what the justification is for those changes at all.

Arranging a visit and reception process

From the responses provided to our interview questions, it was clear that the processes of securing a visit and entering an immigration detention facility have become increasingly bureaucratic and strict. Stricter rules requiring more paperwork, body searches and drug testing delay visitors and cut down the time they can spend with people in detention. We have received many reports of instances where booking confirmations could not be located by staff at reception desk and visitors needed to wait for a long time while staff were looking for their forms.

During the course of consultation, it was valuable to hear from those visitors who could compare their visits to immigration detention facilities to other detention facilities, such as juvenile detention. As one visitor in Victoria noted:

> “I have attended the […] in Melbourne – a juvenile detention facility for general crime, which has external security administered by […], and internal security provided by youth justice workers – and have not encountered the same level of disorganisation or bureaucratic hurdles apparent at MIDC [Maribyrnong IDC], despite there being similar security needs at both facilities.

This is not an isolated comparison. Many people who spoke to us who also visited prisons stated that, in their opinion, it is now harder to visit immigration detention facilities than prisons and other types of detention facilities.

Photo by DIAC images - Villawood IDC, CC BY 2.0, https://commons.wikimedia.org/w/index.php?curid=24284485

Booking and communication pre-visit

Many of our participants commented that they found the process of booking a detention visit challenging. In many detention facilities, insufficient visiting space means that visit spots are quite limited.

To book a visit, visitors need to write down the names of those they would like to visit. This creates an obstacle for people who want to start supporting men and women held in incarceration, as a social visitor. More importantly, it does not allow visitors to come across those who are isolated and need support. If no one asks for a person in detention, they are unable to go to the visit area. As one of the visitors in New South Wales outlined:

> “Unless somebody actually gives you the name, there is no way to find out if somebody has no visitor.

People with limited English language skills, those who may have less engagements with others due to their declining mental health, people from certain nationality groups who have less peers in detention, and people transferred from offshore detention facilities are more affected by this rule. In brief, it disproportionately affects those who are more vulnerable.

Given the fact that visitors provide people with emotional support, resources, and referrals to legal advice and other support, those vulnerable groups will miss out on this much-needed opportunity for support.

> “We have found people hidden away in the back blocks of that detention centre who don’t know that they have to make applications through lawyers, they don’t know how to apply and they just get left behind and forgotten. [having more people who are going unnoticed] is my biggest concern.
> – A detention visitor in Victoria

In the past, there were more opportunities for relaxed and less regulated community visits. Visitors could strike up a conversation with new people in the communal areas. They could engage in activities such as gardening or playing board games in communal areas with people in detention. However, the new rigid visiting arrangement does not allow those interactions in most detention facilities. Now, in most detention facilities, separated rooms or tables and arbitrary rules deprive visitors of a chance to get to know other people in detention, to find out about their needs (or those of their friends), and to lend them support.

We were encouraged to hear that some community organisations can book the whole visit room in Yongah Hill IDC once a month and have a chance for more relaxed interaction. In our recent discussion with ABF, we welcomed their report that in Brisbane ITA the concept of cultural nights was recently introduced. We were informed that these events allow visitors and people in detention to spend a few hours socialising in a less regulated environment. However, the feedback received so

far from the visitors to this detention facility has been that many of them have not been informed of this initiative and that these events occur very infrequently.

In general, while these initiatives are positive, they do not adequately compensate for the highly regulated visits, especially for people who are considered of lower risk and visitors with no history of non-compliance. Nor are these visits currently available in all detention facilities.

The difficulties in booking a visit raise concerns about how urgent visits could be accommodated. While there is an official notice requirement of 24 hours (except at Yongah Hill IDC), many detention visitors told us that at times they waited much longer to have their visits approved. Visitors to Brisbane ITA, for example, at times waited over two weeks to have their visit requests approved. Visitors to Melbourne ITA commented that they send in their applications at least a week before their planned visit to ensure their application is approved. These hurdles and requirements all create challenges to arranging an urgent visit. Given that the wellbeing of people detained can deteriorate rapidly, urgent visits could be life-saving, as they provide people with an opportunity to speak to those they know and trust.

Participants also observed incidents of poor communication between different staff who process visitor applications. There were numerous instances where applications were misplaced and errors were made on essential details, often resulting in a visit being refused. Many visitors told us that they often keep thorough records of their communication with staff and bring in their own copy of a booking confirmation to ensure they gain access on the visit day. Nevertheless, visitors have been refused the visits they have booked due to administrative errors on countless occasions.

We were told of occasions when confirmations of booking were either not sent to visitors or sent a few minutes before the start of the visit, signalling yet another flaw in communication. People reported that due to these experiences, sometimes even if they have not received a booking confirmation, they visit the detention facility, in case their requested visit has been accepted but Serco failed to notify them. This clearly disproportionately affects those who need to travel from interstate, need to make child care arrangements or take time off work.

People also reported that they struggle to get any information from the reception staff when they call the detention facilities. We heard time and time again that the staff ask more questions from the callers about who they are and why they are asking the questions than answering any of their queries.

We spoke to a young woman in Sydney whose relative was detained in Victoria. She told us that when she called the detention facility to find out how far in advance she needed to submit her visit request so she could start preparing for her interstate trip, she was asked a number of questions about who she was. She was eventually told by the staff that he could not provide her with an answer and she needed to submit her application "as soon as she can", advice that she did not find helpful.

There have also been instances where people in detention are allegedly not informed that they have visitors. Visitors are told their friend is not available while the person in detention either was not informed of the visit or was not escorted to the visit area.

> "You can go through all these procedures and not see the person that you want to see because no one let them know that you are there, it can be very frustrating. There is no interest, no feeling from the officers that they are going to put themselves out to let the refugee knows you are there.
> – A detention visitor in New South Wales

If this happens and the person in detention does not arrive, the visitor is asked to leave, being stopped from having conversation with other friends and getting to know new ones.

Many visitors find the steps required to secure a visit exhausting and at times intimidating. Most of the people we spoke to were Australians driven by the spirit of humanity and volunteerism. Almost all spoke English fluently and were well aware of how to interpret new regulations. They were often part of a network of peers who could support one another. Yet these visitors are often unsure if they are following the right steps.

RCOA is concerned about the friends and families of those in detention who do not speak English fluently, who are new to Australia and unfamiliar with all the bureaucratic hurdles, rules and regulations, who are isolated, and on many occasions live in a different city or even state from where their loved one is detained. Apart from limited information available in the translated visitor forms, there is no other translated material or support for these visitors to ensure they understand the process. RCOA is concerned that these group of visitors are far more severely disadvantaged than the rest.

Searches

Section 252G of the Migration Act 1958 allows an officer to request a person about to enter a detention facility to walk through screening equipment and have the items in their possessions screened. If there is reasonable ground for suspicion, the officer can also inspect those items and conduct a more thorough search. If the person does not comply, the officer can refuse entry.[12]

12. *Migration Act 1958* (Cth) s 252G.

Photo by DIAC images - Yongah Hill IDC, CC BY 2.0, https://upload.wikimedia.org/wikipedia/commons/6/60/Yongah_Hill_Immigration_Detention_Centre_%287505717124%29.jpg

For years, searches before entry were a routine part of the reception process. However, recently those searches, and in particular body searches have become much more rigorous and at times quite intrusive.

Visitors reported that they receive inconsistent messages about what items they can take in to the visitor area. To name a few examples, people at times have been requested to remove their rings or prevented from taking in books or writing material. They were sometimes allowed to take in a number of papers stapled together and sometimes were asked to remove the staples. Sometimes they were allowed to take in flowers they purchased for people in detention and sometimes were not.

They have even been asked to remove the aluminium foil from chocolate bars they were taking in, or were told they were not allowed to take in chocolate bars. None of these requirements have been consistent, not even in one facility.

In a letter to *The Age* newspaper, one of the visitors talks about these inconsistent messages. She states that as an English teacher, she used to assist her friend in detention to practice her writing. She reported that her friend valued writing as it helped her express her emotions. In the last visit, however, the woman in detention was prevented from bringing in her journal to the visit area and was not able to take in a piece of paper given to her by her visitor containing the names of some writing websites.[13]

Drug tests

Currently, individual searches have expanded to include drug tests (including oral swabs) and pat downs.[14] We have received numerous reports of drug tests that were not reliable and not conducted correctly. Visitors identified a number of flaws in the way the tests are conducted that could cause external contamination and make the process unreliable. They include:

- Officers wearing cotton gloves instead of disposable plastic gloves
- Officers re-using disposable plastic gloves
- Officers storing swabs in their pockets
- Officers putting their hands in their pockets while wearing gloves and before conducting the tests
- Officers touching other items while wearing gloves and before conducting the tests, and
- Instances of packets of swabs being exposed to open air.

Detention visitors told us of the extreme measures they take to reduce the risk of external contamination and false positive reading. They told us they try their best not to use public transportation to get to the detention facility, change their clothes just before entry, do not put on perfume, do not use the toilet in the reception area (even after a long drive to get to the facility) and do not even sit on the chairs in that area.
As mentioned, all these precautions can be futile as the way the tests are conducted could result in false positive readings.

13. Helen Stagoll, 'Asylum seekers: The ever more punitive regime is beyond belief', *The Age* (22 May 2017), http://www.theage.com.au/comment/the-age-letters/sd-20170520-gw9dhy.html

14. RCOA understands that currently drugs tests are not carried out in Immigration Transit Accommodations, namely Melbourne, Brisbane and Adelaide ITAs.

Table 1: Comparison of visit arrangements in detention facilities

Immigration Detention Facility	Number of people visitors can visit[15]	Reported capacity of the visitor room	Number of people (31 May 2017)
Brisbane ITA	Each visitor can visit only **one** person (family groups are exempted). Each visitor is allowed to visit the detention facility only twice per week and each person in detention can only have two visits per week..	The visitor room allows for up to 14 people, including two Serco staff.	68 (almost **six** times more than the capacity of the visitor room)
Melbourne ITA	Each visitor is able to access **five** people.	60 people (10 tables are available with a maximum of 6 people per table)	119 (**twice** the capacity of the visitor room)
Maribyrnong IDC	Each visitor is able to visit **one** person at a time.	55 people	107
Perth IDC	Each visitor is able to visit **one** person at a time.	Around 5 people	25
Villawood IDC	Each visitor can visit **four** people.	Not specified, but sufficient to meet demand	487
Yongah Hill IDC	Each visitor can visit **two** people at a time. With negotiation, some community organisations can at times book the whole room, during that time each visitor can see up to three people in detention.	20 people	273 (**thirteen** times more than the capacity of the visitor room)

Detention visitors reported that in some facilities they had success in advocating locally by suggesting measures to address some of the issues, for example for officers to use plastic gloves instead of cotton ones. However, local advocacy has not been successful in all facilities. They also commented that in some facilities, despite the use of new scanners, an increasing number of false positive readings are recorded.

RCOA is conscious of the fact that the increased number of people in detention who had been in prison may justify more rigorous tests before entry. For example, those who had spent time in jail for drug offences and their visitors can present some challenges which may require more thorough scrutiny and tests to manage the potential risks.

However, the result has been the blanket application of rigid and intimidating reception rules to all visitors, irrespective of the risk profile of the people they visit and their visit history. We see that tests are not conducted correctly, everyone is treated with extreme suspicion, and people feel stressed and humiliated after being denied entry. People are not told about their rights; guidelines for conducting the tests are not publicly available; and some people experience stress as they are unsure if positive readings could have wider implications beyond being denied entry to the detention facility.

On several occasions, elderly Australians, including nuns, have been refused entry for allegedly testing positive to Cocaine and

15. While RCOA checked the accuracy and currency of the information with the visitors, this information might have changed by the time one reads this report.

other drugs. These denials of access do not only affect visitors. They also mean people in detention are denied the opportunity to see their family and friends.

> He [person in detention] is treated like a drug user and me like a drug smuggler every time I set foot in the place.
> – A detention visitor [location deleted]

Limiting the number of visitors

> Every person who's been detained there is entitled to have visitors and they need to have enough visit space for every single person entitled to those visits. At the moment, I don't think they have that.
> – A detention visitor from Northern Territory (when Wickham Point APOD was operational)

Table 1 outlines the capacity of visitor rooms in all immigration detention facilities and the number of people a visitor can see. As mentioned, while there is a link between the capacity of visitor rooms and the number of people one can visit, we heard of frequent changes to that number over a relatively short period of time.

As outlined in table 1, the visit space in most detention facilities is not proportional to the number of people detained in those facilities. This is mainly because most of the detention facilities are not built for the current population,[16] even facilities like Yongah Hill IDC which were specifically built to be an immigration detention centre. Most of the immigration detention facilities that are currently operational were built or designated to house people who came by boat without an extensive network of friends and families, rather than a large number of people who spent time in prison.

Recent years have seen many more people in detention who have spent a considerable amount of time in Australia and have family and friends in the community. As a result, the demand for the visitor rooms has grown greatly. According to the latest statistics provided by DIBP, as of 31 May 2017, only 26% of the detention population were people who had come by boat.[17] This indicates that many more people with established links in the community are now detained, while the visitor space is not designed for their needs.[18]

The limited capacity of the visitor rooms is more pronounced in facilities such as Yongah Hill IDC, which has a much smaller visitor room to begin with. The visitor room in Yongah Hill IDC can only provide space for 20 people (visitors and people in detention combined). As of 31 May 2017, this facility held 273 people (only 38% of them boat arrivals).[19]

RCOA was advised by visitors that, given immediate family members of people in detention are often prioritised, people seeking asylum who have limited connections in the community lose out. While we value the importance of family visits, this issue points to infrastructure challenges that often make the visits much more difficult.

Despite all these challenges, RCOA welcomes the reports from community organisations about their successful advocacy with local detention providers in Western Australia which has enabled them to book out the entire visitor room once a month and visit those with limited contacts in the community.

The management of Melbourne ITA have cited security reasons for limiting the number of visitors in the visit room as well as the number of people each visitor can visit. The damaging impacts of this policy is well presented in the reports of one of the long-term visitors. She told RCOA that she used to visit twelve people in each visit until recently. She can now only visit 5 people. This has seriously limited her capacity to continue her role as a focal point for people to refer to and raise issues with, and as someone who works to connect people with different services and provide them with the necessary resources

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16. The high security compound of Villawood IDC (Blaxland compound), Maribyrnong IDC and Perth IDC historically accommodated people with higher risk ratings and those who spent time in prisons. In the 2016-17 Federal Budget the Government announced it would close Blaxland compound of Villawood IDC and Maribyrnong IDC.

17 Department of Immigration and Border Protection, *Immigration Detention Community Statistics Summary* (31 May 2017) http://www.border.gov.au/ReportsandPublications/Documents/statistics/immigration-detention-statistics-31-may-2017.pdf

18. To provide a simple snapshot of the current situation of the detention network, we made many assumptions. RCOA understands that not all people seeking asylum have limited community networks, this means that the demand for the visitor room can be even higher. RCOA also understands that sometimes people who are listed in the statistics as section 501 visa cancellation may have arrived in Australia years ago on a boat, so at times the differences between different detention cohorts are blurred.

19. Department of Immigration and Border Protection, *Immigration Detention Community Statistics Summary* (31 May 2017) http://www.border.gov.au/ReportsandPublications/Documents/statistics/immigration-detention- statistics-31-may-2017.pdf

Making visits harder and less friendly

In recent years, the overall environment of the visit area changed and moved from a welcoming environment conducive to more relaxed social interactions to one that is highly regulated and prison-like. The replacement of sofas with fixed chairs in Brisbane ITA, bolting down chairs and tables in Yongah Hill IDC and Melbourne ITA, and the reports that people detained in Brisbane ITA can only sit at pre-assigned tables in the visitor room are some of the examples that show the undermining of the social and communal atmosphere of those facilities.

In Melbourne ITA, people detained in different compounds now need to make a formal application to Serco to use the limited capacity of the visitor room to meet each other. In the past, however, people in detention could see each other and socialise in common areas, during classes and excursions and at meal times, as before they had more freedom of movement between compounds and had more shared activities. This has also reduced the capacity to visit people.

Visitors who spoke to us believed that the obvious and constant presence of Serco staff within the visitor room not only takes up much-needed space but also prevents people from having relaxed, private and free conversations. People talked about numerous situations where they were reminded of various rules mid-conversation (for example not to share food with those sitting at the adjacent table), making them feel intimidated and as if they were being watched all the time.

Reports from visitors to some detention facilities, such as Villawood IDC, state that Serco staff at times walk around the visitor area with cameras strapped to their front recording images and voices. This creates a threatening and fearful environment — or, as one of our participants referred to it, a 'Kafkaesque' situation.

Arbitrary rules and restrictions

Arbitrary rules and restrictions enforced in some facilities also impact on the experience of visitors during the visit. Below are some of the examples:

- In Brisbane ITA, visitors with separate bookings cannot sit together. If visitors arrive in pairs (for example on many instances when husband and wife both visit people in detention), they need to sit separately and are unable to share conversation and food, making them feel very isolated.
- In Melbourne ITA, if a person in detention needs to take a toilet break during the visit, they are not allowed back into the visitor area and the visit will be terminated. This rule imposes unnecessary and pointless pressure on people during the visit. This issue has also been raised by the visitors to Brisbane ITA, although it appeared to be a less established rule. People who visit Brisbane ITA told us that at times they had to leave if the person they were visiting needed to use the toilet or had to advocate to continue the visit. One of the visitors recalled one incident which left herself and her friend in detention feeling humiliated:

> "The person I was visiting had to go to the toilet, as part of his medical condition. I tried to get the guards to check on the person's medical records and agree to resume the visit. They made such a fuss, was horrible .... I then left accompanied by a guard to the gate, and once back at the reception, I asked to talk to the manager. By the time he came to the desk, he checked the medical records and allowed to restart the visit, the person was so upset by the whole event that he didn't want to come back, as his stress level was [quite high].

- In Melbourne ITA, delivery of gifts is restricted to very narrow periods over the working week, causing difficulties for people who visit during weekends.

Experiences of religious service providers

The previous sections highlighted the challenges all of our research participants, as detention visitors, have been facing. Many of the visitors who spoke to us were religious service providers, some of whom have been visiting immigration detention facilities in Australia for over 20 years. This section highlights the specific issues they face.

While previously people in detention could visit places of worship outside the detention facilities, in recent years, those opportunities have become extremely limited. In this environment, the role of religious service providers who visit detention facilities becomes more significant, as they can ensure the right to practice religion freely.

Religious service providers spoke about the difficulties they face in the reception process. For example, regular long-term visitors report being turned away because of misspellings in a single

visitor form, or elderly nuns have been refused entry on the basis of highly unreliable drug tests. Those who offered services both in prisons and in immigration detention facilities frequently commented that they found working in prisons much easier, as the rules and regulations were defined and less discretionary.

They reported that they are now escorted everywhere and are confined to a specific area, while in the past they had more freedom of movement around the facility. The restrictions on where they can hold the mass have also affected how they can deliver those services. For example, in Villawood IDC, as only some people in detention can access certain rooms, religious service providers have to deliver the Mass in two separate areas in a short timeframe, forcing them to rush from one location to another and feel stressed.

We also heard disturbing accounts of religious services being interrupted and abruptly ended, because of going slightly overtime, and reports of security staff treating items used in a Catholic mass as contraband. Such incidents demonstrate a profound disregard for the religious needs of people in detention.

The documented eyewitness account of a group of religious service providers who attended Melbourne ITA to offer mass on Christmas Day 2016 is one example that highlights many of the issues discussed in this report.[20] Father Peter Carrucan who provides pastoral care describes an intimidating system with rigid rules and a highly monitored and regulated visit. From the beginning of the visit, staff remind the group of the time limit and most show no flexibility even though it was Christmas Day. The story draws attention to the issues with reception process, taking in food items, escorts and securitisation and illustrates how visits have come to be a source of stress in themselves rather than an opportunity for social interaction and alleviating stress.

Complaints

People in detention and detention visitors can lodge a complaint through DIBP's Global Feedback Unit. According to the DIBP's website, Global Feedback Unit aims to ensure that all complaints are handled in a consistent way and are actioned appropriately.[21]

Most of the detention visitors who spoke to us believed this feedback mechanism was futile and that the complaints lodged through this channel are not assessed or actioned properly. The participants in this research indicated that in response to their complaints, they receive generic replies from authorities, mostly stating that there is no evidence to substantiate their complaints.

People raised their disappointment that, even when they formally raise an issue with detention monitoring agencies, there is no assurance that those issues will be addressed or even investigated.

This is because none of the recommendations made by those agencies are binding on the Government. Generally, visitors felt complaints were not heard and there were no effective mechanisms to hold ABF and detention service providers accountable for their management of the detention facilities.

20. Peter Carrucan, 'Celebrating Mass among the unwelcome', *Daily Prayer* (19 January 2017) http://www.pray.com.au/celebrating-mass-among- the-unwelcome/

21. 'Compliments, complaints and suggestions', *Department of Immigration and Border Protection* https://www.border.gov.au/about/contact/provide-feedback/compliments- complaints-suggestions

8 Steps forward

The current barriers to access to immigration detention facilities not only deprive people in detention of a much-needed support mechanism, they negatively impact the visitors. Throughout this report, we outlined the important role the visitors play in supporting people in detention. Ongoing barriers could pose a real risk to the ability of the visitors to continue supporting people in detention. This will be detrimental to all stakeholders, including detention service providers, DIBP and ABF.

Guideline 8 of the United Nations High Commissioner for Refugees (UNHCR) Detention Guidelines emphasises that as a minimum standard:

> "Asylum-seekers in detention should ... receive visits from relatives, friends, as well as religious, international and/or non-governmental organisations, if they so desire ... Facilities should be made available to enable such visits. Such visits should normally take place in private unless there are compelling reasons relevant to safety and security to warrant otherwise.[22]

The stories and testimonies presented in this report provide a strong evidence base that some elements of this guideline, like having the opportunity for private visits, are currently not being met.

To address the issues explored in this report, RCOA developed the following recommendations. These recommendations are informed by the views of the participants in our research and other member organisations. These recommendations are addressed to DIBP and ABF, with a view that it is the Department that manages Serco's contract and any matters relating to how Serco operates should be addressed and managed by the Department.

Recommendation 1: Recognise their role and engage

DIBP and ABF should recognise the important role of detention visitors. They should engage in more effective dialogue with the visitors, inform them of proposed future changes and seek their feedback. This should include institutional channels of communication as well as more flexible forms of dialogue.

Through their interactions with people in detention, most visitors have developed a unique knowledge and insight into the impact of policies on people in detention. Many of the visitors have been visiting places of detention for decades and have a good understanding of the detention network and the policies and procedures which have worked well.

Forums like Community Consultative Groups at times create an opportunity for dialogue between members of the community and detention service providers. However, the limited time and the number of issues that need to be discussed in these meetings do not always allow people to engage in more detailed conversation about a specific issue.

DIBP and ABF should offer more time during such forums to detention visitors (and if suitable separate specific meetings) to hear the issues they would like to raise about access to detention and the solutions they would like to put forward.

Those meetings could also be used to provide advance notice of any changes to current rules and regulations, instead of people finding out about those changes through experience.

Recommendation 2: Rules should be revised to better reflect and mitigate risks

In developing and managing rules on visits, DIBP and ABF should give greater weight to the administrative nature of immigration detention, to past compliance by visitors and those they are visiting, and to whether the perceived risks can be mitigated in other ways.

Currently all visitors are heavily scrutinised and monitored before and during the visits. While RCOA understands that the detention of new cohorts of people may have presented additional challenges that the Department needs to manage, the rules should reflect the fact that immigration detention is administrative rather than punitive in nature.

In developing and managing rules, the Department should give staff more flexibility to take into account past compliance by detention visitors and those they visit. The Department should also encourage further discussion with detention visitors about how the perceived risks being currently addressed by the more restrictive rules could be mitigated in other ways.

22. UN High Commissioner for Refugees (UNHCR), *Guidelines on the Applicable Criteria and Standards Relating to the Detention of Asylum-Seekers and Alternatives to Detention* (2012) http://www.refworld.org/docid/503489533b8.html, 30.

Recommendation 3: Rules should be consistent and public

DIBP and ABF should ensure consistency in how the rules around visiting processes are applied in each centre and across the network.

As previously mentioned, this recommendation is not about implementing the same rules nationally, irrespective of detention population and infrastructure. Rather, it is about ensuring rules are not constantly changed. In a highly unstable environment like detention, offering some level of stability is essential. Further, on matters that are not linked to detention infrastructure, like food and personal items visitors can take into the centre, there should be consistency across the network.

We look forward to a copy of national detention visit guidelines and encourage the Department to seek advice from the community before finalising the document. After the guidelines are finalised they should be available to members of public to ensure accountability.

Recommendation 4: Improve processes for drug testing

DIBP and ABF should work with Serco to improve processes for drug testing, including better training for staff and appropriate procedures for ensuring visitors are informed of their rights and processed in timely way.

DIBP and ABF should work with Serco to develop better training for its staff to minimise the flaws in carrying out drug tests. They should also ensure that clear guidelines on how to carry out the tests are available to all frontline staff.

Additionally, before the start of the test, visitors need to be informed of their rights. There should also be consideration given to the time it takes to process visitors to ensure it is not going to affect the time people can spend with those in detention.

Recommendation 5: More relaxed visits

DIBP and ABF should ensure there are more opportunities for less structured and more relaxed community visits and gatherings.

As discussed in this report, visitors play a vital role in supporting people in detention and help to mitigate some of the risk factors they face with. In the current detention environment enabling more unstructured and relaxed visits is needed more than ever. RCOA encourages DIBP and ABF to provide opportunities for regular unstructured visits and consult with visitors and people in detention about the format and time that is most effective.

This can be done by letting visitors book out the visitor room for a few hours and allowing more relaxed interactions, or by organising shared activities and meals (as was previously allowed). These visits can provide a respite from the everyday stress of the detention. Removing some of the build-up of pressure and simply giving people a chance for having a relaxed time can make the management of the detention facilities easier. Such visits may also ease the demand for the visitor room in detention facilities with more limited capacity, as some visitors and their friends in detention may use these opportunities to enjoy each other's company rather than applying for a visit through the normal procedures.

Recommendation 6: Revise arbitrary rules

DIBP and ABF should revise the arbitrary rules that are putting unnecessary pressure on people in detention and the visitors (for example, the rules requiring people in detention in Melbourne ITA to apply to visit each other, and rules in Brisbane ITA preventing people sitting at different tables from speaking with each other or sharing food).

As discussed in this report, there are a number of arbitrary rules that are not usually enforced across the detention network and are limited to one detention facility. They are unnecessarily restrictive and some can further limit the capacity of visitor rooms. They also directly affect the experience of visitors and people in detention and create undue stress.

An arbitrary rule that should be revised is the requirement at Melbourne ITA that people in detention need to apply to Serco and use the visitor room to see each other. This could be done through appropriately managed shared activities or allocating an alternative meeting place, rather than using the visitor room. Applying formally to Serco adds an unnecessary and frustrating extra step. Furthermore, in Melbourne ITA, there is a clear need for a toilet in the visitor area that can be used by people in detention. The current redevelopment of this detention facility provides an ideal time to address this issue.

DIBP and ABF, together with the management and service providers at Brisbane ITA, should also re-examine the need for the current restrictive management of visits at this facility, especially preventing people sitting at different tables from speaking with each other or sharing food.

Recommendation 7: Changing population needs should be considered in planning

The change in detention population and their needs should be considered in future developments of detention facilities.

An increasing number of people who are being detained have established social networks in the community and need to receive visits. The current infrastructure of many detention facilities does not cater for these needs. Considering many detention facilities are undergoing redevelopment, this important factor should be given priority in all planning and design.

Allocation of separate visitor areas with separate entry process for detention population with high and low risks could address many of the issues identified in this report.

Recommendation 8: Train frontline officers in reception process

DIBP and ABF should work with Serco to develop training for frontline officers to ensure the reception process is organised and streamlined.

This measure can reduce the likelihood of misplaced applications, refusal of entry due to administrative errors and late notification of booking confirmation. This training should also target those staff who are tasked with responding to telephone enquiries and should equip them to assist the callers more appropriately.

Recommendation 9: Support religious service providers

DIBP and ABF should better support religious service providers to deliver their services and the entry process should be relaxed for them.

DIBP and ABF should recognise in practice the value that religious service providers add to better management of facility and their role in ensuring people can practice their religions freely.

Recommendation 10: Improve translated information on visiting

DIBP and ABF should improve the availability of translated material on visit booking system and the reception process.

Additionally, when the national visit guidelines are released publicly, they should be available in community languages.

Recommendation 11: Improve public information

DIBP and ABF should improve the availability of public information.

Currently there is no public information on the capacity of visitor rooms and the number of people one can visit in each detention facility. This information should be released and made available on the Department's website as a matter of urgency. The availability of this information will reduce the likelihood of frequent changes to those numbers.

Recommendation 12: Establish independent review of detention

DIBP should establish a transparent and independent process for reviewing detention.

We started this report by speaking about the negative impacts of prolonged and indefinite detention. The recommendations in this report address some of the symptoms of this detention regime, but do not resolve the underlying causes.

RCOA's longstanding view is that many of our detention issues would be better addressed through fundamental reform of the detention system, including critically the right to independent review of detention. All decisions to detain an individual on account of their unresolved migration status should be reviewable by an independent administrative body at each decision to detain or extend detention, regardless where such detention occurs. People in detention should have a right to attend reviews and challenge the purported necessity for their detention at each review.

Appendix 1: Interview questions

Introduction and Background:

1. Are you part of an organization, or do you visit a detention centre individually?
2. What is your role in the organization?
3. How long have you been visiting?
4. What sort of assistance do you mainly provide to people in detention?
5. What detention centres have you been visiting?
6. How did you initially become a visitor? How was the process?

Visitor experience:

1. How frequently do you visit detention centres?
2. What is the process you have to go through to visit a detention centre? Has that process changed since you started visiting?
3. How is the reception process? After being approved for a visit can you access people in detention easily or have you been faced with barriers?
4. Regarding the rules that can impact your visit experience (number of people one can visit, visiting hours, bringing food/gifts, organising cultural or religious events): have you observed any changes? Are they applied consistently?
5. What are the main issues that people in detention have raised with you? Are you aware of the avenues to escalate/ resolve those issues? Have you faced barriers in accessing those avenues? (for example, have you tried to contact a person's case manager? how was that experience?)
6. What other barriers and obstacles have you faced before/ during your visit?
7. How the number or type of population in detention changed during the time you have been visiting? Has this put any additional strain on your ability to visit?
8. Are there any particular groups of people in detention who you think are most vulnerable?

Impacts:

1. Would you be comfortable sharing with us what impacts (positive or negative) visiting detention facilities have had on you?
2. What has been the most significant and positive story about visiting detention centres that you would like to share with us?
3. What suggestions do you have to make visits more effective?

Questions for those who were in detention previously:

1. From what dates were you in detention? What detention centre(s) were you in?
2. How much contact did you have with detention visitors?
3. How effective have you found meetings with detention visitors?
4. Did you face barriers in receiving visitors? Can you tell us more about it?
5. How did they assist you?
6. What impact did they have on your life in detention and after?

Appendix 2: List of Acronyms

The following acronyms have been used in this report.

Acronym	Meaning
ABF	Australian Border Force
APOD	Alternative place of Detention
DIBP	Department of Immigration and Border Protection
IDC	Immigration Detention Centre
IHMS	International Health and Medical Services
IRH	Immigration Residential Housing
ITA	Immigration Transit Accommodation
OPCAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
RCOA	Refugee Council of Australia
UNHCR	United Nations High Commissioner for Refugees

Appendix 3: Average length of time in detention

Figure 5 – Average Number of Days of People in Held Immigration Detention Facilities only

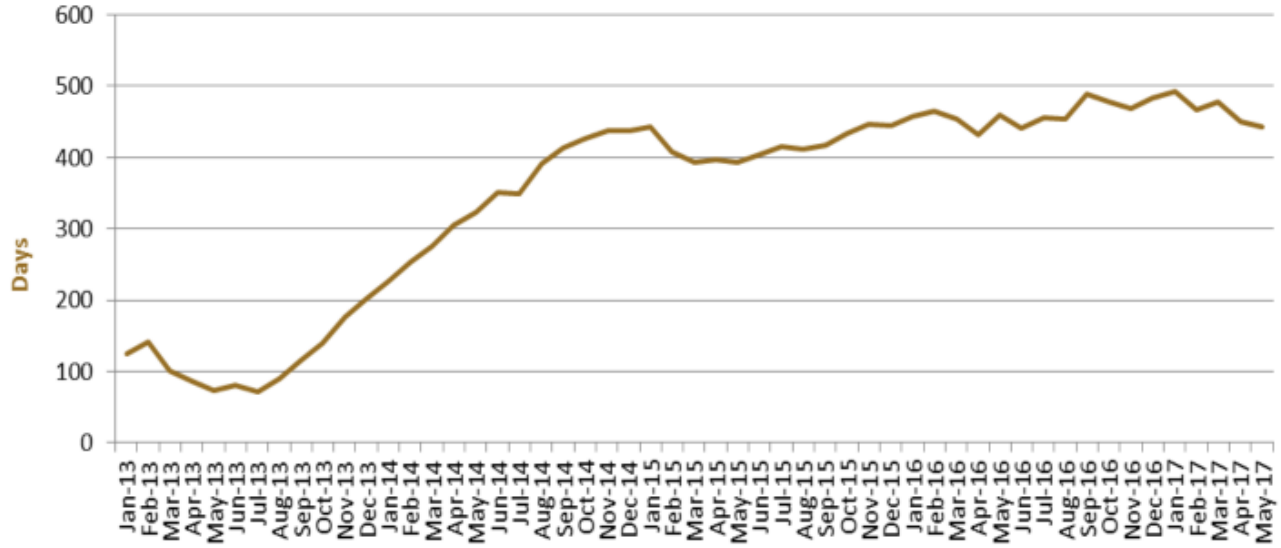

Figure 5 above, shows the average days in held immigration detention only by month from January 2013 to the date of this report. The average period of time for people held in detention facilities steadily increased from July 2013 to January 2015.

Source: Department of Immigration and Border Protection, *Immigration Detention and Community Statistics Summary* (31 May 2017) http://www.border.gov.au/ReportsandPublications/Documents/statistics/immigration-detention-statistics-31-may-2017.pdf

Refugee Council of Australi

Sydney office
Suite 4A6, 410 Elizabeth Street, Surry Hills NSW 2010
Phone: (02) 9211 9333 • Fax: (02) 9211 9288
admin@refugeecouncil.org.au

Melbourne office
Level 6, 20 Otter St, Collingwood VIC 3066
Phone: (03) 9600 3302
admin@refugeecouncil.org.au

www.refugeecouncil.org.au
ABN 87 956 673 083