

## *Briefing Paper: Children in Immigration Detention*

### **Introduction**

The Australian Association of Social Workers (AASW) strongly believes that immigration detention is an unsuitable setting for children. We believe that current treatment, support and management of children in detention centres contravene Australia's commitments under the United Nations Convention on the Rights of the Child. The AASW calls on the Australian Government to take immediate action to end the detention of children including those detained on Nauru and to provide accommodation in the community for asylum seekers awaiting determination of their refugee status. The AASW also calls on the government to appoint an independent legal guardian for unaccompanied minors and to remove the responsibility from the Minister for Immigration and Border Protection. The AASW believes that the current situation reflects poorly on Australia in the international community.

### **Current situation**

At 30 June 2016, there were 49 children held in immigration detention by the Australian Government on Nauru.<sup>1</sup> Many of these children have been in immigration detention for years. While the overall number of children in immigration detention has declined during the current government's tenure, the AASW believes the policy of mandatory detention of children as a deterrent is not sustainable in the long term due to the increasing worldwide pressure on families to flee war and oppression.

### **Effects on children in immigration detention**

It is the view of the AASW that any period of immigration detention is harmful to children. This is based on the understanding that children arrive in immigration detention with a burden of stress, trauma, disadvantage and marginalisation reflecting the circumstances that caused their families to flee their countries of origin in the first place. This burden makes children extremely vulnerable to the environmental and systemic stresses of the detention setting. There is significant evidence to suggest that current immigration detention settings are harmful for children and do not meet their needs in terms of health, wellbeing and development. A great deal of evidence to support this view has been gathered in the [submissions](#) to the National Inquiry into Children in Immigration Detention, 2014.

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<sup>1</sup> Department of Immigration and Border Protection, 30 June 2016. Immigration Detention and Community Statistics Summary. Available at <https://www.border.gov.au/ReportsandPublications/Documents/statistics/immigration-detention-statistics-30-june-2016.pdf>

These consequences have been directly observed by our members and are consistent with the findings of other professional bodies within Australia. We believe the findings of the Australian Human Rights Commission report [The Forgotten Children](#) well describes the comprehensive and dire consequences of immigration detention on children. This report states in part that, *'Prolonged detention is having profound negative impacts on the mental and emotional health and development of children.'*<sup>2</sup>

## Implications for social work clients

Normal development of the child or adolescent is not possible when they are being detained in an institution. There are too many gaps in resources and opportunities, as well as the negative emotional climate of hopelessness, anxiety and despair that stifles creativity and the passage of a child through normal child development stages and milestones. This has lifelong effects on health and wellbeing. Hence social workers have had to work not only to ameliorate the immediate effects of immigration detention, but have had also to work with children and adolescents who continue to suffer emotional, social and psychological effects once they have been released into the community.

Unaccompanied minors are particularly at risk despite the fact that special provision is often made for them. The AASW believes that there is a serious and unjustified conflict of interest in the Minister for Immigration and Border Protection being the legal guardian of unaccompanied minors. It is a clear conflict of interest that the person primarily responsible for the decision to detain an unaccompanied child is also the one who is the legal guardian of their rights. In this context the AASW is concerned that unaccompanied children have been sent to immigration detention in Nauru.

Furthermore the AASW is concerned about the large number of reports of children being physically or sexually abused while in immigration detention.

## History of AASW involvement

In April 2015 the AASW made a [submission](#) to the Senate Select Committee on the Recent Allegations Relating to Conditions and Circumstances at the Regional Processing Centre in Nauru and in October 2015 was a signatory to an [open letter](#) to the Prime Minister on the prolonged detention of asylum seekers, particularly children, in the offshore processing centres at Nauru and Manus Island. During 2014 the AASW made a [submission](#) to the Australian Human Rights Commission's second public hearing of the National Inquiry into Children in Immigration Detention. Additionally letters were sent to the Minister for Immigration and Border Protection and to the Prime Minister, and meetings were held with the Opposition Spokesperson on Immigration and Border Protection as well as Labor for Refugees. Numerous media releases

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<sup>2</sup> Australian Human Rights Commission (2014). *The Forgotten Children: National Inquiry into Children in Immigration Detention 2014*, p. 29. Available at [https://www.humanrights.gov.au/sites/default/files/document/publication/forgotten\\_children\\_2014.pdf](https://www.humanrights.gov.au/sites/default/files/document/publication/forgotten_children_2014.pdf)

were made and the AASW appeared in the media on a number of occasions. Additional material was prepared to assist members approach their local Member of Parliament or Senator individually.

The AASW has been committed over many years to the freeing of children from immigration detention. In 2012 a [Position Paper](#) on asylum seekers and refugees was prepared that incorporated a position on children in immigration detention and this was reiterated in the [Position Statement](#) on asylum seekers to the incoming government in 2013. In 2002 the West Australian branch of the AASW made a [submission](#) to the original National Inquiry into Children in Immigration Detention.

### **The social work profession**

AASW is the professional body representing more than 10,000 social workers throughout Australia.

Principles of social justice, human rights, collective responsibility and respect for diversity are central to the profession and are underpinned by theories of social work, social sciences, humanities and indigenous knowledge.

Many social workers are involved in the delivery of asylum seeker and refugee services in a range of fields of practice. Social workers have worked on Christmas Island, Manus Island and Nauru, and within detention centres in Australia. They also work for formal resettlement services as well as a range of health, mental health, child protection and community services that meet the needs of refugees and asylum seekers.