

RACS welcomes the release of the Australian Human Rights Commission's National Inquiry into Children in Immigration Detention and continues to decry the deliberate circumstances that have rendered necessary this robust report.

"The overarching finding of the Inquiry is that the prolonged, mandatory detention of asylum seeker children causes them significant mental and physical illness and developmental delays, in breach of Australia's international obligations."(1)

As experts in assisting asylum seeker children, RACS renews our call for the immediate release of all children in detention. This has been our long-standing position on mandatory detention, and was a core element in our submission (2) to this inquiry.

Over 3 years ago, RACS established a dedicated unit within our legal service with the sole focus on the legal needs of children seeking asylum. Our specialist lawyers provide support and advocacy for children who would otherwise have no voice. Without an independent guardian, our lawyers are the only independent advisors the children currently have.

Our submission to the AHRC inquiry has been informed by our work assisting unaccompanied children who were held on Christmas Island, some for up to 17 months. RACS witnessed first hand the devastating impact indefinite detention has on children. Many of these children suffered with multiple medical conditions including mental health issues and had experienced significant torture and trauma before arriving in Australia.

Our experience has been echoed by other highly qualified professionals and organisations. Indeed there can be no more damning or indictable assessment of the effects of this deliberate policy on children than that of Professor Nicholas Procter in his testimony at the AHRC inquiry, "Childhood as they knew it ends at the time that they enter detention." (3)

RACS supports the report's recommendation that the "assessment of refugee status (to) be commenced immediately according to the rule of law".(1) For the more than 25,000 asylum seekers who have arrived since August 2012, there has been a legal limbo with no claims' assessment taking place. To quote Professor Procter at the AHRC inquiry, once again, "delays in processing asylum claims are taking a toll and were directly related to mental deterioration and distress". (3) This legal uncertainty has exacerbated the anguish of our child clients.

RACS is concerned that changes to the Migration Act and the introduction of temporary protection visas mean that even if these children are eventually found to be refugees, they will never be able to reunite with their families, many of whom remain in dangerous situations.

As this significant report is released, it is important to recognise that children are still being held in Australian-run detention facilities. In RACS' opinion, the release of these children and their families into the community on bridging visas with the right to work would have an immediate benefit.

RACS remains opposed to the indefinite mandatory detention of children in Australia and the detention of infants, children, men and women in Australian-run offshore detention. If found to be a refugee, asylum seekers who have sought Australia's protection should not be resettled in PNG, Nauru and Cambodia. Australia is a signatory to the Refugee Convention and should fulfil its

international obligations to people seeking asylum. To quote Professor Triggs, “How we treat asylum seekers goes to the core of our identity as a nation.”(1)

For any further comment please contact:

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(1) The Forgotten Children: National Inquiry into Children in Immigration Detention (2014)

<https://www.humanrights.gov.au/publications/forgotten-children-national-inquiry-children-immigration-detention-2014>

(2) RACS submission to AHRC on Children in Immigration Detention

<http://www.racs.org.au/wp-content/uploads/RACS-Submission-to-AHRC-on-Children-in-Immigration-Detention2.pdf>

(3) National Inquiry into Children in Immigration Detention 2014 Canberra Public Hearing Friday, 22 August 2014

<https://www.humanrights.gov.au/sites/default/files/Mr%20Aristotle%20and%20Prof%20Procter.pdf>