



Dear Members of Parliament,

We write as medical students to express our concern and alarm over the developments in Australia's refugee and asylum seeker policy that have led to the indefinite detention of 46 people, recognised by the Australian government as genuine refugees.

The profound effects of detention on the health of refugees and asylum seekers have long been established. The Australian Medical Association asserts that "prolonged, indeterminate detention of asylum seekers in immigration detention centres violates basic human rights and contributes adversely to health. The longer a person is in detention, the higher their risk of mental illness. Detention in immigration detention centres should be used only as a last resort, and for the shortest practicable time."ⁱ

As a component of current Australian asylum seeker policy, security assessments are conducted by the intelligence organisation ASIO. In the case of recognised refugees, who are protected from deportation to their country of origin, a negative assessment results in an indefinite sentence to Australian detention centres.ⁱⁱ

Though the High Court has since deemed it unlawful to deny refugees a visa on the grounds of ASIO assessmentsⁱⁱⁱ, the government has maintained the detention of 56 refugees in this situation. While the cases are now open to review by Former Federal Court Justice Margaret Stone, the recommendations made are able to be disregarded, allowing the policy to sustain indefinite detention contrary to judicial recommendation^{iv}. The maintenance of the prolonged, indeterminate detention of recognised refugees in surroundings with such profound health consequences is extremely distressing from both a medical and an ethical perspective.

The detrimental health impact of this policy is markedly increased when considering the seven children included in this number, all of whom are under the age of ten. An inquiry by the Australian Human Rights Commission found that Australian immigration detention facilities have serious and detrimental impacts on the mental health of child detainees; with numerous cases of self-harm, severe separation anxiety, depression and Post Traumatic Stress Disorder (PTSD)^v. To have children held under an indefinite detention sentence is in direct violation of Australia's commitment to the Convention on the Rights of the Child^{vi} and reflects a concerning trend away from policies that mitigate negative health outcomes of refugees and asylum seekers.

Many of our colleagues have already been increasingly outspoken about our responsibility to advocate for those in detention centres, citing it as our "professional responsibility to sometimes speak out on policy issues that affect health"^{vii}. The Australian Medical Student Association has itself developed refugee and asylum seeker policy, calling on the government to minimise the detrimental health impacts of detention by

- i. Actively seeking alternatives for detention of asylum seekers;
- ii. Minimising the time spent in detention facilities to reduce health impact;
- iii. Ensuring that detention of any child is used only as a last resort for the shortest possible time and immediately removing all unaccompanied minors from places of detention;
- iv. Maintaining family units wherever possible.^{viii}

The consequences of the current policy regarding ASIO security assessments conflict directly with each of these mitigations to the health trauma faced by refugees and asylum seekers. A policy resulting in the indefinite and harmful detention of recognised refugees is objectionable from both an ethical and medical perspective, especially when children are involved. We, the Medical Students of Victoria, call upon the Australian government to honour its obligations under the UN Refugee Convention and correct as a matter of urgency the flaws in Australian policy that lead to such situations of prolonged, indeterminate detention.



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- ⁱ Australian Medical Association, *Health Care of Asylum Seekers and Refugees*, AMA, 2011
- ⁱⁱ Joint Select Committee on Australia's Immigration Detention Network, *Final Report, Chapter six - the assessment process*, Parliament of Australia, 2012
- ⁱⁱⁱ High Court of Australia, *PLAINTIFF M47/2012 v DIRECTOR GENERAL OF SECURITY & ORS*, HCA, 2012
- ^{iv} Attorney-General's Department, *Independent Reviewer of Adverse Security Assessments*, Australian Government, 2013
- ^v Australian Human Rights Commission, *A Last Resort? National inquiry into children in Immigration Detention*, AHRC, 2004.
- ^{vi} United Nations, *Article 37, Convention on the Rights of the Child, General Assembly resolution 44/25 of 20 November 1989*, 1989, United Nations: Geneva.
- ^{vii} Katelaris, A and Harris, M, *The profession calls for humane treatment of asylum seekers*, *Med J Aust.* 195 (6): 309, 2011
- ^{viii} Australian Medical Students' Association, *Refugee and Asylum Seeker Health Policy*, AMSA, 2011