



**The Community Services Sector and Asylum
Seekers in the Northern Territory**

Preamble

This project has been undertaken by the Northern Territory Council of Social Services (NTCOSS) in partnership with the Darwin Asylum Seeker Support and Advocacy Network (DASSAN). The project was developed in response to mounting concerns being expressed by both NTCOSS members and the general community about the welfare of asylum seekers in the Northern Territory. This response followed discussion at the 2011 NTCOSS Conference where conference participants sought to discuss ways in which their organisations could become involved in supporting individuals in detention or in supporting DASSAN. This project commences the discussion and incorporates recommendations made at the 2011 Conference including the recommendation that NTCOSS maps the service provision providers and documents what services they are providing.

- The project will map community sector organisations providing services to asylum seekers, particularly those in detention and it will document what services they are providing. In addition, the project seeks opinions on the future role of DASSAN and what role NTCOSS should occupy in this space.
- As a natural consequence of asking about services being provided to asylum seekers, the project has collected extensive feedback on people's views about the way that asylum seekers are currently treated in Australia. These views are not the specific focus of this paper, however the project has captured some of the common concerns expressed.
- NTCOSS acknowledges that the "space" in which people are providing services to people seeking asylum in Australia is constantly changing and that this report reflects what was happening in the Northern Territory in early 2012. Changes to Detention arrangements and service delivery for people seeking asylum will continue to evolve and alter as policy decisions also change.

NTCOSS would like to thank the service providers that contributed funding to the project to enable this work to be undertaken. In addition our thanks go to the reference group members for providing guidance and support to the project.

The project engaged as many as possible of the Darwin service providers that were identified as having an interest in this area. Our apologies are offered to anyone who has not been consulted to this time. The project is not yet complete and the project staff would be happy to include additional stakeholders in the second stage of the project.

Introduction

The following discussion will consider the role of the community services sector in the Northern Territory in supporting asylum seekers in the Territory. The paper briefly addresses the national context, summarise the consultations undertaken as part of the project and then details the findings that were realised after the completion of this process.

Summary of Recommendations

1. That further work be undertaken with funding bodies to establish the legitimacy of community based services using existing program funding to support asylum seekers, both those in the community and those in detention.
2. That NTCOSS establishes a twice-yearly network meeting of community based organisations involved in supporting asylum seekers. It is further recommended that this meeting be run for and by the community based sector, however that DIAC be invited to attend part of the meeting.
3. That NTCOSS and DASSAN jointly undertake further work with the community services sector in relation to alleviating concerns about asylum seekers receiving services that other sectors do not eg housing
4. That NTCOSS and DASSAN look at ways that asylum seekers on bridging visas and in community detention can be supported to remain in Darwin if they choose. This may include advocacy around community detention as a viable option for Darwin.
5. That DASSAN work towards clarifying the status and expectations of people on the DASSAN mailing list. This could include undertaking a survey of people on the mailing list in regard to their motivations for being on the list and whether they would opt to be a formal member if DASSAN becomes a membership based organisation.
6. That key people involved in supporting and driving DASSAN, undertake further discussion regarding whether DASSAN should develop a formal governance structure. These discussions should consider whether DASSAN should seek to become incorporated.
7. That should DASSAN become incorporated that it seeks untied funding on a similar basis to other Asylum Seeker Support Centres.
8. ¹That DASSAN seeks legal advice on what the risks to DASSAN and key individuals within DASSAN, would be should a linked visitor either be harmed or cause harm.

¹ This recommendation has since been addressed by DASSAN

²That the legal support group based in DASSAN undertake further work to establish the clear gaps within the refugee and asylum seeker legal (and quasi legal) support network and whether there is sufficient need for either a worker based within an existing community based legal service or the establishment of an independent community based refugee legal service as exists in other States/Territories.

National Context:

The 1951 Refugee Convention defined a 'refugee' as any person who:

“... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it ...”

An asylum seeker is someone who is seeking international protection but whose claim for refugee status has not yet been determined. Under Article 14 of the 1948 Universal Declaration of Human Rights, everyone has the right to seek asylum and it is not illegal to do so. Asylum seekers, regardless of how they arrive in Australia, are classified by Australian law to be 'unlawful non-citizens'. However it is important to note that this does not mean that asylum seekers have committed an offence or have done anything "illegal". There is no offence under Australian law that makes the act of arriving in Australia or the seeking of asylum an offence.³

Internationally the UNHCR (2010) figures state that there are 10,549,686 refugees or people in refugee like situations across the world and an additional 837,478 people are seeking asylum. The majority of these people are being supported in third world countries like Pakistan, Kenya, and Iran. By comparison Australia receives very few applications per year. The UNHCR (2010) Global Trends Annex shows that even against comparable countries, that are similar to Australia, Australia receives few refugee and asylum seekers. Data published by the UNHCR at the end of 2010 state that the following countries have⁴:

² This recommendation has since been addressed by DASSAN

1. DIAC, Seeking asylum within Australia, fact sheet no. 61, DIAC website, viewed 20 July 2011, <http://www.immi.gov.au/media/fact-sheets/61asylum.htm>

4 NB These are for comparative purposes only and do not depict the full range of countries or numbers

Country	No of Refugees	No of Asylum Seekers awaiting processing
Australia	21,805	3,760
France	200,687	48,576
Netherlands	74,961	13,053
Pakistan	1,900,621	-
South Africa	51,889	171,702
Sweden	82,629	18,635
United Kingdom	238,150	14,880
United States	264,574	6,285
Canada	165,549	51,026

Until recently, the vast majority of asylum seekers applying for protection in Australia have arrived by air with a valid visa and then applied for asylum at a later date while living in the community.⁵ More recently the number of irregular maritime arrivals (IMAs) (people arriving by boat) has increased but this group still make up a minority of people claiming asylum in Australia. Asylum seeker figures remain low in comparison with the general immigration program and compared to people who remain in the Australian community as once their visa as expired.

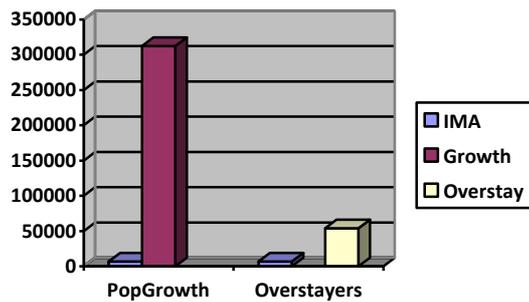
Boat Arrivers seeking refuge	2008/2009	2009/2010	2010/2011 (1st quarter)
(IMA) Irregular Maritime Arrivals	16%	47%	44%
Non- Irregular Maritime Arrivals	84%	53%	56%

DIAC Advice to Parliamentary Library 20.12.10

It is important to note however, that persons arriving as IMAs are more likely to be recognised as 'genuine' refugees than those who arrive by air and as such these people are more likely to be accepted for long term settlement in Australia.

If we could plot the number of asylum seekers arriving by boat for 2010 against the ABS figures for March 10, 2010 to March 10, 2011 the graphical representation would show what a small proportion of the population growth of the nation is caused by the these boat arrivals (see Figure 1). Similarly if we plot these boat arrivals against visitors from overseas that overstay their visas and remain in Australia then there is a similar demonstration of the insignificance of the impact on the Australian makeup (see Figure 1).

2. DIAC, The facts about immigration detention, media release, 3 July 2009, viewed 20 July 2011, http://www.newsroom.immi.gov.au/media_releases/739?page=4&



Treatment of Refugees in Australia:

Currently how someone arrives determines how he or she will be treated on arrival with two main categories of asylum seekers in Australia:

1. **Onshore.** If a person arrives by air (often with a temporary visa eg tourist or student) and then submits a claim for asylum, they will be granted a Bridging Visa which ensures that the applicant lawfully resides within Australia while their application is being assessed / processed.

The Bridging Visa will remain in place while an application is decided and this will allow these asylum seekers to remain “lawfully” in the community. A Bridging Visa is normally granted when an application is made for asylum, however it only comes into effect when the holder’s existing visa expires (tourist, student, etc). Generally an onshore applicant will need to comply with the conditions of their original visa (tourist, student, skilled migrant). Bridging Visas may or may not include access to:

- financial assistance under the Asylum Seeker Assistance Scheme (ASAS)
- casework services through the Asylum Seeker Assistance Scheme (ASAS)
- legal assistance for preparing an application for a protection visa under the Immigration Advice and Application Assistance Scheme (IAAAS)
- permission to work in Australia
- access to medicare

People on bridging visas access existing community services on the same basis as anyone else in the community depending on service eligibility requirements.

On average 1 to 2 people each year put in a claim for asylum after arrival in the Northern Territory. The majority of organisations spoken to during the course of this project have never been approached to provide services to this client group.

2. **Offshore.** Currently people arriving by boat as IMAs are held in detention while their applications for protection visas are processed.

These asylum seekers are not granted bridging visas and cannot live and work in the community while their applications for protection are being assessed.

The Federal Government recently announced that it will be seeking to provide people in detention with access to bridging visas once health and security checks have been completed. Unfortunately details of their rights and when these come into play have not yet been announced. The uncertainty includes whether people will have access to work rights, to welfare, to Medicare and to general community services.

Across Australia, an increasing number of people are being held in community detention, and though these are mostly families that include women and children, unaccompanied minors also account for these numbers. People in community detention are not currently given bridging visas and do not have work rights, however the Federal Government funds accommodation and support services including health and education services.

Current Australian Statistics:

Official figures released by the Department of Immigration state there are currently 6383 people in immigration detention in Australia⁶. This includes people in Immigration Detention Facilities, Alternative Places of Detention, community detention and on bridging visas. Of these 582 are children.

These figures also demonstrate that 2.7% or 173 people have now been held in detention for more than 2 years and 32 % or 2047 people have been held for more than 1 year⁷. These statistics are updated regularly and can be found at www.immi.gov.au/managing-australias-borders/detention/facilities/statistics/

Currently IMAs seeking asylum are held in the following places:

1. Immigration Detention Centres including:
 - Christmas Island IDC
 - Curtin IDC (Western Australia)
 - Maribyrnong IDC (Victoria)
 - Northern IDC (Northern Territory)
 - Perth IDC (Western Australia)
 - Pontville IDC (Tasmania)
 - Scherger IDC (Queensland)
 - Villawood IDC (New South Wales)
 - Wickham Point (Northern Territory)

⁶ DIAC, Immigration Detention Statistics Summary, 31 January 2012

⁷ DIAC, Immigration Detention Statistics Summary, 31 January 2012

2. Immigration Residential Housing and Transit Accommodation including:
 - Perth Immigration Residential Housing (Western Australia)
 - Port Augusta Immigration Residential Housing (South Australia)
 - Sydney Immigration Residential Housing (New South Wales) (next to Villawood IDC)
 - Adelaide Immigration Transit Accommodation (South Australia)
 - Brisbane Immigration Transit Accommodation (Queensland)
 - Melbourne Immigration Transit Accommodation (Victoria)
 - Berrimah House (Northern Territory)
3. Alternative Places of Accommodation including:
 - Darwin Airport Lodge (Northern Territory)
 - Christmas Island
 - Inverbrackie (South Australia)
 - Leonora (Western Australia)
4. Community Detention
 - In all States/Territories with the exception of the Northern Territory

People in community detention do not hold a valid visa or a bridging visa which allows them to reside in the community lawfully. They are still officially in detention, however being housed in the community. Red Cross is responsible for providing support including housing and enabling access to health care including counselling services. People in community detention do not have access to work rights.

5. Bridging Visas

In November 2011 the Federal Government announced that it would provide bridging visas to eligible boat arrivals while their asylum claims are being assessed, once initial health, security and identify checks are completed. Priority will be given to people who have been in detention for an extended period of time.

People on bridging visas will have the right to work and support themselves and have access to necessary health services. They will not have access to Centrelink benefits. On a case-by-case basis, some may be eligible for support under the Asylum Seeker Assistance Scheme or the Community Asylum Seeker Program.

People are now being released from Detention Centres with a bridging Visa in all States/Territories and the number being released with bridging visas is expected to increase.

It is important to note that not all people held in Detention facilities are seeking asylum, and some centres hold:

- **people who have overstayed their visas;**
- **people who have had their visas cancelled on character grounds and**
- **alleged illegal foreign fishers or people smugglers.**

Cost of Detention:

It is estimated to cost \$113,000⁸ per year to keep a person in detention in Australia. If people were allowed to live in the community while their application was being processed it would cost approximately \$31,480 per year (based on Centrelink benefits with rental assistance). If they are granted work rights, they may in fact contribute to the economy rather than be reliant of government benefits. In addition there is concern about the long-term costs to the community in terms of poor mental health and poor settlement outcomes, however these costs have not been quantified. They would be alleviated if people were not kept in detention while their visa was processed.

Northern Territory Context:

In Darwin, asylum seekers are held in detention at:

- Darwin Airport Lodge (an alternative place of Detention or APOD). This private sector facility holds families and unaccompanied minors. This includes babies, children and women. The current capacity of this facility is 435 people but it is currently under capacity. It is important to note that this figure can vary from one day to the next depending on visas granted, movement to community detention and arrivals from other centres.
- Northern Immigration Detention Centre (NIDC). This facility holds unaccompanied men (usually who have wives and families still in unsafe situations overseas). The NIDC has a capacity of 536 but is currently under capacity. Unaccompanied minors who are alleged foreign fishers are also held in this facility.
- Wickham Point. This is a new facility opened in December 2011. The centre will hold up to 1,500 unaccompanied men. As of March 2012 Wickham Point held approximately 800 men with two of the three stages completed.
- Berrimah House. Currently empty.
- Bridging Visas. To date the majority of people who have been released into the Northern Territory community with a bridging visa have relocated interstate but approximately 14 people are being supported in Darwin and this is expected to increase.

⁸ B Keane. Crikey. 17 August 2011

- At this point in time no one is held in community detention in the NT.

There are also a number of major Service Providers for people in Detention in Darwin. These are:

1. The Department of Immigration and Citizenship (DIAC). DIAC staff undertake case management, contract and operational management, policy, guardianship for unaccompanied minors and are responsible for the processing and determination of claims for a protection visa;
2. SERCO. On 29th June 2009, DIAC entered into a five-year contract with Serco Australia Pty Ltd to provide services to people in immigration detention centres throughout Australia. This includes: management of detention centres; provision of activities and services; and transport and escort services. SERCO runs all 3 Northern Territory Detention facilities.
3. IHMS. In January 2009 DIAC signed a contract with International Health and Medical Services (IHMS) to provide a range of health services to people in immigration detention around Australia. This includes the provision of health services related to mental, physical and dental health.
4. Life Without Barriers (LWB). LWB provides independent observer support to unaccompanied minors (an independent adult to accompany unaccompanied minors in legal and migration hearings) and carers for unaccompanied minors.
5. Red Cross Australia. Red Cross provides a range of services including: independent humanitarian observers, international tracing services as well as the Asylum Seeker Assistance Scheme (ASAS). The ASAS provides financial assistance and general healthcare support to eligible refugees and asylum seekers. Services include: income support (89% of Centrelink Special Benefit); general health care and medical costs; and casework support including referrals to other agencies. The Federal Government has recently announced that this scheme will be extended to IMA's who are granted bridging visas.

Red Cross Australia is responsible for providing support to people being released from Detention into both community detention and on bridging visas. In theory the support for people being released on bridging visas is provided for a limited time period while people find accommodation and work.

6. Melaleuca. As a torture and trauma service, Melaleuca provides torture and trauma counselling services on referral from IHMS only.
7. IAAAS providers – free, professional migration advice and application assistance to eligible immigration clients including asylum seekers. It ceases once the visa applied for has been finally determined as granted,

or refused following merits review. There are potentially 22 different IAAAS providers servicing people in the NT.

8. Northern Territory Government. Memorandums of Understandings exists with State/Territory Government Departments for the provision of Acute Health Services and Education

In addition other service agencies are contracted according to need eg IHMS may contract counselling for family relationship counselling, of additional mental health services or for physiotherapy services. SERCO may contract an outside agency to provide specialised support and activities.

Who else is Providing Services?

This project received information from 34 organisations in the Northern Territory. Of these 22 organisations either have or are currently providing services to clients held in Detention Facilities. The organisations providing services are listed at Appendix 1. It is acknowledged that this may not be a complete list and NTCOSS will continue to add organisations as information becomes available. The majority of organisations that were consulted and were found not to be currently providing services indicated that they were interested in providing services to asylum seekers should the need be identified.

The majority of organisations that have taken part in this project indicated that were not aware of other services that were engaged in service provision to this group or which services can take an active role in the identification and provision of services.

There was also found to be a lack of community understanding of the funding arrangements for services to this group. The way that service provision is funded by the community services sector varies from one organisation to the next:

- Some are providing services using volunteers only
- Some are receiving some funding from either DIAC or SERCO and mixing this with the use of volunteers;
- Some are fully funded by IHMS or DIAC
- Some are using existing funding

In general, community service provision can be divided into 3 sub areas:

- General Community Services;
- Legal services
- Health services

General Community Services

Services currently provided include:

- Therapeutic counselling and support services (generally provided off site);

- Activities including language support, yoga, cooking, sport and recreation;
- Services related to children and families eg playgroups;
- Information and education for clients;
- Education and training for staff involved in Detention services;
- Independent observer services (provided through Red Cross and Life Without Barriers);
- International tracing services;
- Visiting services;
- Advocacy services (individual and systemic); and
- Asylum Seeker Assistance Scheme.

Health Services

The majority of health services are provided by the health provider IHMS, however, services provided in the community include:

- Acute health and hospital services;
- Acute mental health services; and
- Private health services including General Practice and allied health services eg physiotherapy.

Legal Services

Migration Advice

Free migration advice and assistance with applications is available to asylum seekers in Australia. Migration assistance (including assistance to apply for a protection visa) for asylum seekers in Detention as well as disadvantaged community asylum is provided through the Immigration Advice and Application Assistance Scheme (IAAAS). This assistance ceases once the visa applied for has been finally determined to be granted, or refused, following the merits review process. Asylum seekers do not have to use IAAAS services and may choose to lodge visa applications without assistance, however they must do this at their own cost.⁹

There are currently 22 IAAAS providers (see Appendix 2) across Australia and while only one currently holds a contract to provide services in the Northern Territory, when asylum seekers are sent to NT facilities they will still have the IAAAS contractor appointed previously from outside the NT (generally Christmas Island). As people in detention are often moved either from one detention facility to another or from a detention facility into community detention, the IAAAS provider is responsible for continuing to provide services regardless of where the person may be in Australia. This means that all 22 IAAAS providers may operate in the NT at any one time though they have no offices or facilities in the NT.

⁹ DIAC Fact Sheet 63

No IAAAS providers (including the one who currently holds the NT Contract) are based in the Northern Territory. This means that individual asylum seekers have limited (often phone) access to the person supporting their visa application.

Currently people claiming asylum “onshore” have access to a different processing pathway than people claiming asylum “offshore” (See Appendix 3 flow chart depicting current pathways, noting they are currently subject to change).

Other Legal Services

A number of other legal services have been provided to asylum seekers including:

- Judicial Review of migration decisions
- Family and domestic violence related legal advice
- Quasi legal services

The Federal Government has recently announced that changes to processing of people arriving by boat include changes to the appeals process. Appeals on protection visa claims by IMA’s will be managed by the Refugee Review Tribunal from early 2012. This may reduce the need for judicial review and is a major change to current policy meaning that “offshore” claimants will have access to the same legal rights of appeal as “onshore” claimants.

Summary of Issues/Concerns Identified

Three issues were identified as of most concern to the organisations and stakeholders who took part in this project. These included:

1. mental health issues,
2. the availability, consistency and quality of migration advice and
3. legal support and the use of mandatory and indefinite detention.

While some of these lie outside of the sector’s current responsibilities the organisational representatives saw these as having long-term impacts such that the sector should have a role in advocating planned responses. In addition it was felt that some of these needs could be better met through the increased use of the expertise that already exists within the community services sector.

Use of Mandatory and Long Term Indefinite Detention

There was almost universal concern about the use of long-term detention and about its impact on individuals seeking asylum. There was overwhelming support for the use of community detention or bridging visas while asylum-seekers’ applications for protection were being processed. Most people contributing to this project thought that community detention should be an option in Darwin and they wanted advocacy to occur around this. Some concern was expressed about the impact asylum-seekers might have on the availability of local housing and there was a perception that asylum seekers were receiving more support for housing than other vulnerable community members received. Other people thought that while there was a need for education regarding the

reality of services and supports available to asylum seekers, this should not be allowed to limit the availability of community detention.

The concerns of respondents were primarily related to the impact of long term and indefinite detention on the wellbeing and long term settlement of asylum seekers as potential members of the Australian community. This was also associated with concerns about the cost involved in maintaining detention facilities when these resources could be better used to enhance community services not just for asylum seekers but for the community as a whole.

Mental Health

Another commonly identified concern raised by service providers related to the mental health and well being of people being held in long term, indefinite detention. Many seemed aware that it is well documented that detention has a dramatic impact on mental health – current research indicates that excluding pre-existing experiences of torture and/or trauma, 3% of people in detention at 3 months experience a mental illness. At 2 years this increases to nearly 50%.¹⁰

- *There are extremely high rates of self-harm in detention with 1100 such incidents reported in 2010/2011 or up to 3 or 4 a day being reported.¹¹ These rates place suicidal behaviour by people in detention at more than 26% higher than in the general community¹². The Darwin Hospital has seen a child as young as 9 admitted for self-harming.*

Service providers strongly felt that because the majority of asylum seekers (some were aware that it was up to 90%) go on to receive permanent visas, a long-term settlement problem associated with poor mental health outcomes was being created. There was a general concern that Detention and Asylum Seeker policies have taken little account of any impact on the community service sector and its limited resources. The Detention system is creating a long-term issue, for which the community services and health sectors would then be expected to cope with.

Issues of particular concern identified were: the levels of mental illness; levels of self harm; the impact on relationships and parenting capacity; the reported levels of use of medication to cope and the long term impact of this; and the impact of people's capacity to contribute to Australian society in terms of work after release. In addition the capacity to provide any therapeutic or recovery services while people were still being impacted upon was questioned.

¹⁰ Guy Coffey, Sydney Morning Herald, 27.10.11

¹¹ K Needham, The Age, 30.7.11

¹² Dudley M (2003) in Mental Health Council of Australia, Fact Sheet: Mental Health Care for Refugees and Asylum Seekers in Immigration Detention Centres

Funding of Service Provision

Services are being provided through a range of arrangements including the use of volunteers, the use of untied funds (eg donations) and the use of existing service provision funding. In some cases organisations have managed to attract some funding from either DIAC or SERCO but this is very limited. The lack of funding is clearly inhibiting the delivery of services that the community sector believes should be available. The validity of using general service funding for providing services to this client group is the cause of some concern. Some organisations have received tacit support from funding providers to use existing funding for this purpose. Others have been told that they cannot use their funding for “non citizens”. In some cases this advice has come from the same funding source.

Migration Representation and Support

While it was acknowledged that the majority of migration support is of a high quality, a number of key concerns were identified. These included:

- The lack of ongoing legal support or advocacy for people who had received a positive refugee determination but were left waiting for security clearance, often for months and years.
- Accessibility to migration agents based interstate, particularly where contact was primarily over the phone;
- Quality/consistency of service provision and support provided.
- Access to judicial review (or in the future to Ministerial intervention) and how this might be funded into the future, particularly if numbers increased. Currently this support is provided through Legal Aid (if there is merit) or pro bono services. With the number of people to be held in Darwin potentially more than doubling this will place considerable stress upon these limited resources. This is exacerbated by the relatively small number of people based in Darwin who are registered as migration agents or who have expertise in this area.
- With no IAAAS provider funded in the NT, local expertise is unlikely to be developed.

Support for People on Bridging Visas

While the number of people being released on bridging visas into the Darwin community is currently very small this is likely to grow and support needs may increase. Unlike people on community detention there is only limited support provided to people on bridging visas with the expectation that they will be able to find work and support themselves. Given the needs that have become evident

in relation to people who have spent a long period in detention, it is likely that pressure will be placed upon community sector agencies and volunteer groups to provide support around a range of needs including housing, social support and general welfare support (eg mental health, legal, counselling)

General Concerns Raised

- The impact of the need to provide services to this vulnerable group within existing resources means that resources and capacity to meet the needs of other groups in the community is reduced.
- Impact of the opening of the Wickham Point Detention Centre. This is of particular concern for organisations using volunteers or providing services within existing resources. Many of the volunteers visiting people in detention are on limited budgets (eg pensions) and could not afford the transport costs to get to Wickham Point. Some organisations were concerned that SERCO may no longer chose to transport clients into Darwin. People were also concerned about the large number of people potentially being held in Wickham Point and the community's capacity to support these increased numbers.
- Those with the highest need, in particular the unaccompanied men, are often classified as being the most at risk and not allowed to participate in activities eg Friday prayers. Most service delivery is focused on the Airport Lodge (for valid reasons) and fewer organisations are involved in providing services to NIDC but the men in the NIDC are probably the highest risk. This is likely to be similar for Wickham Point.
- The reliance on services provided by volunteers rather than adequate funding being provided. A number of organisations felt that they could provide a much more robust and extensive service if funding was provided. There was some feeling that the major activities provider (SERCO) was making a lot of money out of detention provision but when it came to using community service providers to assist in this provision, there was an expectation that they would do this from within their own limited resources.
- Concerns over the skills of Detention staff to work with particular groups and in some cases a lack of understanding about the needs of the client group. A number of organisations expressed concern that the major service providers ie SERCO and IHMS needed additional knowledge and skills to work with particular client groups eg working with children and young people, parenting issues or suicide prevention and assistance. These skills exist in the community services sector and the sector would be happy to provide training and support to these agencies.
- A lot of confusion exists in the sector over who is involved in providing services, whether it is possible to refer to other organisations and if so how such referrals can be facilitated.

- The need for staff within community sector organisations to build up their skills in working with asylum seekers and in some cases to know who else might be supporting an individual (eg migration agent) in order not to cut across the work other people are doing.

DASSAN

The Darwin Asylum Seeker Support and Advocacy Network was formed in 2010 in response to growing concerns about asylum seekers in detention in Darwin. DASSAN members visit and write letters to people in detention, write letters to media and politicians, spread information, advocate for individuals and on asylum issues in general, organise public events ¹³ The Network is currently a loose network consisting of a mailing list of several hundred people and no formal structure. This means that there are a smaller number of active members undertaking activities on a voluntary basis and large number of “silent” members who receive information via the mailing list.

The Network is currently unincorporated and unfunded with all work undertaken on a voluntary basis. Members meet fortnightly and while there are a number of positions which have been formally defined (including co-ordinators of the visitors program, media and advocacy) other people are welcome to initiate activities.

Currently DASSAN has a Legal Group, which is a loose affiliation of approximately 20 lawyers. This group and its members provide assistance to asylum seekers in detention but are unable to provide legal advice. This group has developed a Scoping Study in relation to the provision of legal services to asylum seekers in detention and should be referred to for additional information in relation to the work it undertakes and recommendations about legal support provided for asylum seekers.

Summary of feedback re DASSAN

There was very high and universal regard for DASSAN and in particular for some of the individuals associated with the organisation. Some concern was expressed, however, for the following:

- long-term sustainability of DASSAN, particularly if heavily reliant of particular individuals;
- need to ensure DASSAN continues to have authority and legitimacy (need to be able to ensure they are able to continue engaging with stakeholders like DIAC);
- need to ensure that this legitimacy does not come at a cost to individual people in detention;
- ability to ensure that the organisation is not side tracked by individuals with their own agenda;
- status of people on the mailing list. A number of people currently on the mailing list were not sure if they were members or not;

¹³ DASSAN Website

- whether DASSAN should seek funding. There was almost universal agreement that DASSAN should either remain unfunded or seek untied funding;
- potential for DASSAN to “go off the rails” without a strong governance structure. It was felt that without such a structure damage could be caused by being too emotive and hard to deal with. One stakeholder said that passion and responsibility needed to go hand in hand. The organisation needs to develop a good governance structure if it is to grow and become sustainable;
- whether the risks associated with the community visitor program and support for volunteers visitors outweigh the benefits this program creates for DASSAN; and
- legal liability for volunteers within the community visitor scheme.

Suggestions regarding the future role of DASSAN

- That DASSAN should develop a formal, governance structure (overwhelmingly though people thought it was up to DASSAN how formal). This would protect DASSAN from “rogue” elements and ensure its ongoing legitimacy. It was felt that if DASSAN did not become more formal it would run the risk of being an autonomous collective in danger of being pulled into the direction of the loudest voice.
- Clarification of the status of people on mailing list, in particular whether membership is conferred upon joining the mailing list or whether people should join DASSAN. Generally people expressed a willingness to become members.
- One suggestion was for DASSAN to become a peak body for the asylum seeker and detention sector – in line with an asylum seeker resource centre. The majority of people felt that DASSAN should not seek government funding but instead seek contributions either from members or from church social justice groups. In other states a number of church groups sponsor/support their own asylum seeker support groups (eg Hotham Centre in Vic, the Asylum Seeker Resource Centre in NSW is funded primarily by the Good Shepard Sisters. One suggestion was that DASSAN could seek funding from church groups within an interdenominational framework.
- The role that people appeared to believe cannot be filled by any other organisation is that of “fearless” advocacy. While people viewed the community visitor program as valuable and a good fit with DASSAN, it was seen as important that this did not come at the cost of the advocacy role. The community visitor program could potentially be provided by another agency but the advocacy role could not. Stakeholders were considerably divided on this with some people believing that the community visitor program gives DASSAN legitimacy and an insight into what is happening within Detention Centres. What was clear was that people were concerned that the visitor scheme was resource intensive

and funding would be needed to provide this on an ongoing basis. Depending on the source of this funding it could compromise DASSAN's capacity to provide advocacy. If government funding is the only option to resource this program, it was suggested that perhaps the community visitor program could be undertaken in partnership with community services organisation providing the resources to manage the program.

- That DASSAN seeks legal advice on what the risks to DASSAN and key individuals within DASSAN, would be should a linked visitor either be harmed or cause harm. It is recommended that clarification be gained around this, both if DASSAN remains unincorporated or becomes incorporated.
- The role of the legal group within DASSAN is at this stage informal and in a nascent state. Questions were raised as to whether the provision of legal support is sustainable without additional resources.

NTCOSS

The Northern Territory Council of Social Service (NTCOSS) is a peak body for the Social and Community Sector in the NT and an advocate for social justice on behalf of people and communities in the NT, who may be affected by poverty and disadvantage. NTCOSS has a broad membership base, which is made up of non government and community organisations, Indigenous organisations, and community councils across the NT as well as other organisations and individuals who are committed to social justice issues for people and communities who are socially and financially disadvantaged in the NT¹⁴.

The Role of NTCOSS

There was a range of views on what the role of NTCOSS should be in relation to this area of work and the most common views are depicted below.

- Advocacy for the sector as a whole and its involvement in supporting people in detention/seeking asylum. There were differences of opinion as to whether this should be at a policy/political level or at a service provider support level. Some stakeholders strongly felt that NTCOSS cannot ignore the issues and needs to play a key advocacy role on behalf of the sector. People are being held in detention in NTCOSS "space" and the sector has both an obligation and wants to assist these highly vulnerable people. NTCOSS cannot ignore the issue of asylum seekers in the NT.

Other stakeholders, however, felt that NTCOSS should be working with ACOSS (and other peaks) to ensure that policy/political advocacy is taken

¹⁴ NTCOSS Website

up and locally should be taking up a key role of advocacy around service delivery, information dissemination, sharing of general information between services and education/training. This could include identification of ways in which services working in this area can be supported and acknowledged.

- One suggestion was that NTCOSS could play a role in convening a network of organisations involved in providing services. This could occur 2 to 3 times a year and the agenda should be set by the sector. DIAC could be invited to attend the second half of the meeting. This is not a duplicate of community consultative group which is a DIAC meeting has a DIAC agenda. An online forum, if appropriate could supplement this, and the development of a fact sheet outline what organisations are delivering what services.
- The sector felt that NTCOSS should take a larger role in issues related to asylum seekers in the NT and this should include attendance at the Community Consultation Group and a stronger relationship with DIAC.

Recommendations

9. That further work be undertaken with funding bodies to establish the legitimacy of community based services using existing program funding to support asylum seekers, both those in the community and those in detention.
10. That NTCOSS establishes a twice-yearly network meeting of community based organisations involved in supporting asylum seekers. It is further recommended that this meeting be run for and by the community based sector, however that DIAC be invited to attend part of the meeting.
11. That NTCOSS and DASSAN jointly undertake further work with the community services sector in relation to alleviating concerns about asylum seekers receiving services that other sectors do not eg housing
12. That NTCOSS and DASSAN look at ways that asylum seekers on bridging visas and in community detention can be supported to remain in Darwin if they choose. This may include advocacy around community detention as a viable option for Darwin.
13. That DASSAN work towards clarifying the status and expectations of people on the DASSAN mailing list. This could include undertaking a survey of people on the mailing list in regard to their motivations for being on the list and whether they would opt to be a formal member if DASSAN becomes a membership based organisation.
14. That key people involved in supporting and driving DASSAN, undertake further discussion regarding whether DASSAN should develop a formal governance structure. These discussions should consider whether DASSAN should seek to become incorporated.
15. That should DASSAN become incorporated that it seeks untied funding on a similar basis to other Asylum Seeker Support Centres.
16. ¹⁵That DASSAN seeks legal advice on what the risks to DASSAN and key individuals within DASSAN, would be should a linked visitor either be harmed or cause harm.
17. ¹⁶That the legal support group based in DASSAN undertake further work to establish the clear gaps within the refugee and asylum seeker legal (and quasi legal) support network and whether there is sufficient need for either a worker based within an existing community based legal service or the establishment of an independent community based refugee legal service as exists in other States/Territories.

¹⁵ This recommendation has since been addressed by DASSAN

¹⁶ This recommendation has since been addressed by DASSAN

NTCOSS Asylum Seeker Stakeholders

Contact List – February 2012

NTCOSS Asylum Seeker Project

Stakeholders Providing Information to Project to Date

Legal Agencies

Organisation	Services Provided	Darwin Airport Lodge	Northern Immigration Detention Centre	In Community	Interested in future delivery
Darwin Community Legal Service (DCLS)	Not currently	No	No	No	Yes - assistance can be provided to asylum seekers within casework guidelines and depending on capacity. Can visit the detention centres, but don't run advice sessions/clinics there. No immigration or criminal matters.
DASSAN Legal Group	Volunteer legal group Volunteer support with quasi legal issues e.g. forms, complaints	Yes	Yes	Yes if known	
NT Legal Aid Commission	Primarily Judicial Review and Criminal law but may also include other areas within existing service delivery	Yes	Yes	Yes if known	Yes if there is an unmet need, and sufficient funding, in accordance with existing legal aid guidelines

	parameters, including Civil law Domestic violence Family law Child protection Community Legal Education				
Top End Womens Legal Service (TEWLS)	Legal advice and training on family law –women only	Yes	No	If known	
Law Society NT	Co-ordinating pro bono work Involved in looking at how the legal profession should be involved	Not directly	Not directly	Not directly	

Community Service Agencies

Organisation	Services Provided	Darwin Airport Lodge	Northern Immigration Detention Centre	In Community	Interested in future delivery
MyNT	Support for young people in Detention Weekly soccer program	Yes – unaccompanied minors	No	No	
CREATE	No	No	No	No	Concerned about status of unaccompanied minors

Organisation	Services Provided	Darwin Airport Lodge	Northern Immigration Detention Centre	In Community	Interested in future delivery
CDU - Early Childhood	Playgroups Support for families with children	Yes	No	No	
Life Without Barriers	Independent Observers Carers	Yes – unaccompanied minors	Yes	Involved in community detention elsewhere	
MCNT	Co-run playgroup Cooking and nutrition	Yes	No	No	
Melaleuca Refugee Centre	Counselling for survivors of torture/trauma – adults, youth and children Training for IHMS, SERCO, LWB and DIAC re working with survivors of T&T Support for schools	Yes	Yes	Yes	
Relationships Australia (NT)	Family Relationship Counselling	Yes	No	If known	Interested in providing additional services including therapeutic group work re relationships

Organisation	Services Provided	Darwin Airport Lodge	Northern Immigration Detention Centre	In Community	Interested in future delivery
St Vincent de Pauls	Activity program based on use of volunteers Directed Person Pilot	Yes	Yes	Yes if known	
Australian Red Cross	International Tracing Independent Observers Community Detention assessments Asylum Seeker Support Scheme (inc case management, financial support for bridging visas only) Community Detention support scheme	Yes	Yes	Yes	
Anglicare NT	Have been approached to undertake volunteer work related activities	No	No	No	Still considering involvement
Somerville Community Services	Money Matters – financial literacy	Yes – unaccompanied minors only	No	No	Could provide in other facilities Could provide other services e.g. disability assessment, counselling.
DASSAN	Advocacy Community Awareness and Education Community Visitor Linking	Yes	Yes	Yes if known	Yes

Organisation	Services Provided	Darwin Airport Lodge	Northern Immigration Detention Centre	In Community	Interested in future delivery
AMA	Yes – members provide services via acute health (hospital services) and private health services	Yes	Yes	Yes	
NTMHC	No	No	No		Not a direct service agency but may be interested in advocating re mental health issues
Team Health	No	No	No	No	Would be interested in providing mental health support and services
Yoga Space	Provision of yoga classes	Yes	No	No	Would like to provide yoga classes to men
Amity Community Services	No	No	No	No	Would see someone if referred within service perimeters
YMCA	Make their premises available for SERCO to use but do not provide services	No	No	No	

Organisation	Services Provided	Darwin Airport Lodge	Northern Immigration Detention Centre	In Community	Interested in future delivery
NAPCAN	Ad hoc workshops on mandatory reporting of child abuse & neglect and early intervention for relevant SERCO, DIAC and IHMS staff	Yes	Yes	No	Would like to continue to deliver this training as a mandatory requirement for all new SERCO, DIAC and IHMS staff
NT Shelter	No	No	No	No	

Pastoral Care Services

Organisation	Services Provided	Darwin Airport Lodge	Northern Immigration Detention Centre	In Community	Interested in future delivery
Anglican Church - NT	Church services, hospitality, networking and support. Individual support with connected individuals	Yes	Yes	Yes if know	
Catholic Care NT	Designated Person Pilot	Yes	Yet to be determined	Yes	

Organisation	Services Provided	Darwin Airport Lodge	Northern Immigration Detention Centre	In Community	Interested in future delivery
Darwin Islamic Society	Friday Prayers Individual (pastoral) support	Yes	Yes	Yes	
Northern Synod, Uniting Church	No formally, however some members visit centres. Clergy has applied for "Chaplain" visiting rights Advocacy re government decision	Yes	Yes	Unknown	

Government Services

Organisation	Services Provided	Darwin Airport Lodge	Northern Immigration Detention Centre	In Community	Interested in future delivery
DIAC	Operational Management Case Management Policy	Yes	Yes	Yes	Core Business

Organisation	Services Provided	Darwin Airport Lodge	Northern Immigration Detention Centre	In Community	Interested in future delivery
NT Education	School services provided for school age children and young people. Schools – Ludmilla, Moil, Anula and Sanderson Middle School Includes school liaison officers and bi-lingual workers	Yes	No	Unknown	
Children’s Commissioner	No – not in current jurisdiction. National advocacy	No	No	No	Currently looking at position of Children’s Commissioners nationally

Please note

- This is not a complete list of all organisations providing services to people seeking asylum in the NT but those who participated in this process
- The contact numbers provided reflect the main contact number for each organisation, however it needs to be noted that this point of contact for some organisations may not be aware of the work that the organisation is doing with asylum seekers.
- Information provided is of a general nature and may not reflect full details of the work that any particular organisation undertakes

IAAAS Service Providers 2011-14¹⁷

New South Wales

Agent's name and address	Contact details
Craddock Murray Neumann Level 3, 131 York Street SYDNEY NSW 2000	Telephone: 02 8268 4000 Website: www.craddock.com.au Email: craddock@craddock.com.au
Fragomen Level 19, 201 Elizabeth Street SYDNEY NSW 2000	Telephone: 02 8224 8555 Website: www.fragomen.com Email: fvaress@fragomen.com
Immigration Advice & Rights Centre Inc (IARC) Level 5, 362 Kent Street SYDNEY NSW 2000	Telephone: 02 9279 4300 Website: www.iarc.asn.au Email: iarc@iarc.asn.au
Legal Aid Commission of New South Wales 323 Castlereagh Street SYDNEY NSW 2000	Telephone: 02 9219 5000 Website: www.legalaid.nsw.gov.au
Playfair Visa & Migration Services Level 5, 37 Bligh Street SYDNEY NSW 2000	Telephone: 1800 031 418 Website: www.playfair.com.au Email: info@playfair.com.au
Refugee Advice and Casework Service (RACS) Level 12, 173-175 Phillip Street SYDNEY NSW 2000	Telephone: 02 9114 1600 Website: www.racs.org.au Email: admin@racs.org.au

Australian Capital Territory

Agent's name and address	Contact details
Companion House Assisting Survivors of Torture and Trauma Inc 41 Templeton Street COOK ACT 2614	Telephone: 02 6251 4550 Website: www.companionhouse.org.au Email: info@companionhouse.org.au

Queensland

Agent's name and address	Contact details
Refugee and Immigration Legal Service (RAILS) Level 1, 170 Boundary Street WEST END QLD 4101	Telephone: 07 3846 3189 Website: www.rails.org.au Email: admin@rails.org.au

Northern Territory

Agent's name and address	Contact details
Playfair Visa & Migration Services Level 5, 37 Bligh Street SYDNEY NSW 2000	Telephone: 1800 031 418 Website: www.playfair.com.au Email: info@playfair.com.au

Victoria

¹⁷ Taken from DIAC Website

Agent's name and address	Contact details
Florin Burhala & Associates Pty Ltd Level 1, 530 Lonsdale Street MELBOURNE VIC 3000	Telephone: 1300 662 011 03 9642 5855 Website: www.fblawyers.com.au Email: fburhala@fblawyers.com.au advice@fblawyers.com.au
Sabelberg Morcos Lawyers Suite 8A. Level 2, 221 Queen Street MELBOURNE VIC 3000	Telephone: 03 9670 4033 Fax: 03 9670 4099 Website: www.sabelbergs.com.au Email: admin@sabelbergs.com.au
Migrant Information Centre (Eastern Melbourne) Suite 2, Town Hall Hub 27 Bank Street BOX HILL VIC 3128	Telephone: 03 9285 4888 (for referrals from eastern suburbs of Melbourne only) Website: www.miceastmelb.com.au Email: mic@miceastmelb.com.au
Refugee & Immigration Legal Centre Inc (RILC) Level 1, 121–123 Brunswick Street FITZROY VIC 3065	Telephone: 03 9413 0101 Website: www.rilc.org.au Email: rilc@rilc.org.au

Tasmania

Agent's name and address	Contact details
Migrant Resource Centre (Northern Tasmania) Inc 95–99 Cameron Street LAUNCESTON TAS 7250	Telephone: 03 6332 2211 Website: www.mrcltn.org.au Email: admin@mrcltn.org.au

South Australia

Agent's name and address	Contact details
Australian Refugee Association Inc (ARA) 304 Henley Beach Road UNDERDALE SA 5032	Telephone: 08 8354 2951 Website: www.ausref.net Email: migration@ausref.net
Australian Migration Options Pty Ltd Level 3, 345 King William Street ADELAIDE SA 5000	Telephone: 08 8410 1248 Website: www.migrationoptions.com.au Email: migration@migrationoptions.com.au
Legal Services Commission of SA 82–98 Wakefield Street ADELAIDE SA 5000	Telephone: 08 8463 3584 08 8463 3737 Website: www.lsc.sa.gov.au Email: migration@saugov.sa.gov.au

Western Australia

Agent's name and address	Contact details
Centrecare (incorporating the Catholic Migrant Centre) 23 Victoria Square PERTH WA 6000	Telephone: 08 9451 1100 Website: www.centrecare.com.au Email: migration@centrecare.com.au
Centre for Advocacy, Support and Education (CASE) for Refugees	Telephone: 08 9227 7311 Website: www.caseforrefugees.org.au

Appendix 2

245 Stirling Street
PERTH WA 6000

Email: admin@caseforrefugees.org.au

Metropolitan Migrant Resource Centre Inc
1/14 Chesterfield Road
MIRRABOOKA WA 6061

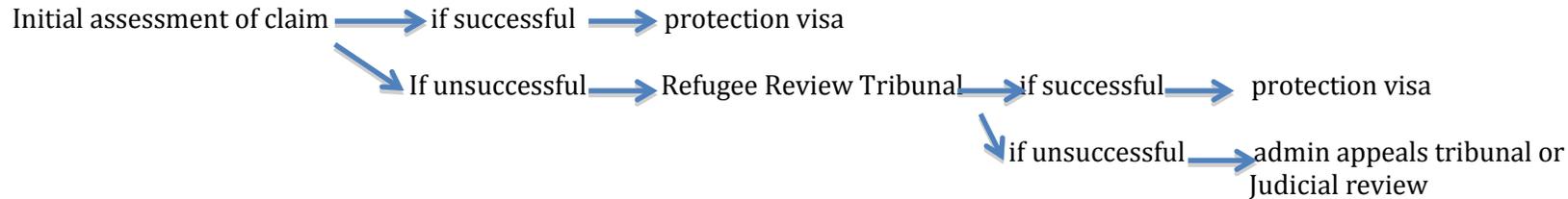
Telephone: 9345 5755

Website: www.mmrcwa.org.au

Email: admin@mmrcwa.org.au

Appendix Three – Current Differences in Processing between Onshore and Offshore. Recent announcements indicate these that onshore processes will apply to offshore arrivals from early 2012

On Shore

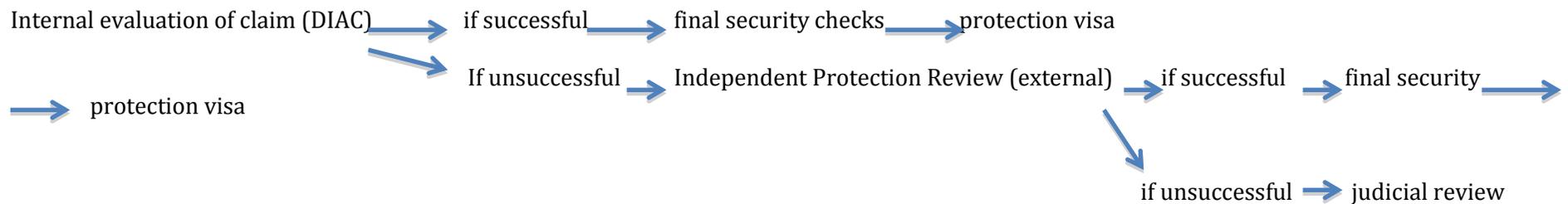


Judicial review will examine whether there is an error in the decision but not make a decision – if successful is then referred back to the decision maker

A resolution occurs if (a) applicant or Minister withdraws
(b) Court remits decision for reconsideration
(c) Court dismisses the application

Final course of appeal – Ministerial intervention

Off Shore (post March 2011)



No course of appeal for Ministerial Intervention

IAAAS eligibility ceases when person is found not to meet the criteria for a protection visa. It is not available for Judicial or Ministerial review.