

Detention Debt Factsheet Migration Amendment Bill 2009

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What is detention debt?

Detention debt is the amount of money owed to the Government by ex-immigration detainees. This debt is accrued during the detention of non-citizens who have arrived in Australia.

Australia is the only country in the world that charges immigration detainees – even those found to be lawfully in the country – for their board and transport costs. The charge is currently \$125.40 a day, totalling at least \$45,000 per year and it is not uncommon for some to accrue debts of more than \$100,000¹.

This severely hampers ex-detainees attempts to settle in the country once released from detention, placing a heavy burden on their mental wellbeing. Concerns over the ability to repay the debt can become a source of substantial anxiety impeding the capacity of the immigrants to establish a productive life, either in Australia or elsewhere.

What is the Migration Amendment Bill?

In December 2008 the Joint Standing Committee on Migration (JSCM) unanimously recommended that ‘the Australian Government, as a priority, introduce legislation to repeal the liability for immigration detention costs, and immediately waive existing detention debts for all current and former detainees’².

In 2006 the Senate Committee Inquiry had also reported its findings that:

‘The evidence clearly indicates that the imposition of detention costs is an extremely harsh policy and one that is likely to cause significant hardship to a large number of people.’³

¹ Joint Standing Committee on Migration (JSCM): *Immigration Detention in Australia: a new beginning*
<http://www.aph.gov.au/house/committee/MIG/detention/report.htm>

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³ 2006 Senate Committee Inquiry into the Migration Act 1958 – 6.133:
http://www.aph.gov.au/senate/committee/legcon_cte/completed_inquiries/2004-07/migration/report/c06.htm

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The purpose of this *Migration Amendment Bill* is to remove the requirement in the *Migration Act* that states that certain persons held in immigration detention in Australia are liable for the costs of their detention. If passed, the Bill will also extinguish all immigration detention debts outstanding at the time of commencement of the legislation⁴.

This Bill forms a major legislative step in the Rudd Government's election promise of sweeping reform to immigration detention policies⁵.

So who will pay?

The current system of charging detainees is costly to administer – of the \$54 million in debts accrued to June 30, 2008, only 3.3 per cent (\$1.8 million) was recovered, with less than 2.5 per cent of the detention debt invoiced since 2004-05 recovered⁶. In this financial year alone, the costs of administration alone are predicted to be around \$709,000, of which an estimated \$573,000 would be recovered.

In reality the vast majority of debts incurred have been waived or written off as too uneconomical or impractical to pursue – again highlighting an 'ineffective system that penalises former detainees with enormous debt burdens'⁷.

The original detention debt policy was designed to minimise the burden of detention and deportation costs on taxpayers however it is clear from these figures that this objective is not being met. This Amendment will not add any great costs to the Government's budget.

Won't this encourage more people to seek asylum?

The current refugee system that charges legitimate and vulnerable asylum seekers hinders the effective settlement of migrants, doesn't deter a single asylum seeker and is expensive and inefficient to administer. Liability for detention costs will remain a deterrent to people smugglers⁸. It is important to note that evidence suggests the 'detention debt' does not discourage asylum seekers from travelling to Australia, nor will its abolition lead to any increase in asylum seekers.

⁴ Migration Amendment (Abolishing Detention Debt) Bill 2009: <http://www.aph.gov.au/library/Pubs/bd/2008-09/09bd126.pdf>

⁵ Second Reading Speech, 18th November 2008 - Senator Chris Evans, Minister for Immigration & Citizenship:
<http://www.minister.immi.gov.au/media/speeches/2009/ce090318.htm>

⁶ Migration Amendment (Abolishing Detention Debt) Bill 2009: <http://www.aph.gov.au/library/Pubs/bd/2008-09/09bd126.pdf>

⁷ Parliamentary Secretary for Multicultural Affairs and Settlement Services, Laurie Ferguson:
<http://www.sbs.com.au/news/article/1029902/Push-to-end-detainees-paying-for-own-incarceration>

⁸ 'Myths & Facts about Asylum Seekers' by A Just Australia:
http://www.ajustaustralia.com/informationandresources_newsandanalysis.php?act=student_kits&id=29

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