



# Challenges of research and advocacy about asylum seekers and refugees

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INTERNSHIP AT THE CENTRE FOR HUMAN RIGHTS EDUCATION, CURTIN UNIVERSITY, PERTH, WESTERN AUSTRALIA

FEBRUARY-JUNE 2013

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# Fiche de présentation du stage

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## **Fiche de Présentation de Stage**

(à remettre avec votre rapport de stage)

Nom de l'étudiant : JAROSZ Chloé

Année Universitaire : 2012/2013

Nom de l'organisme : Centre For Human Rights Education

Domaine d'activité de l'organisme : enseignement supérieur, recherche, promotion des droits de l'homme

Lieu de stage (ville) : Perth, Western Australia

Durée du stage : 16 weeks

### **Décrivez en quelques lignes les missions effectuées pendant votre stage :**

J'étais en charge de mener des activités de recherche et de promotion des droits de l'homme. Dans le domaine de la recherche, j'ai notamment travaillé avec Mary Anne Kenny sur la question des demandeurs d'asile mineurs non accompagnés en Australie. J'ai recherché la littérature pertinente, fait des résumés de rapports déjà existants sur le sujet, écrit un rapport plus précis sur les enjeux éthiques pour mener des entretiens de recherche avec les demandeurs d'asile mineurs non accompagnés. Par ailleurs, j'ai assisté Lynda Blanchard à l'édition d'un ouvrage appelé *Conversations in Peace* (harmonisation de la mise en page). J'ai également été sollicitée pour participer à deux séminaires durant lesquels j'ai dû présenter des travaux relatifs aux droits des réfugiés et des demandeurs d'asile et plus particulièrement au système de détention des demandeurs d'asile en Australie. En ce qui concerne la promotion et défense des droits de l'homme, j'étais chargée de visiter presque chaque semaine le centre de détention pour immigrés (Immigration Detention Centre) de Yongah Hill afin d'apporter un soutien moral et social aux demandeurs d'asile « retenus » à l'intérieur. Je rapportais régulièrement mon expérience auprès de mes collègues.

### **Thème du rapport de stage :**

« Challenges of Research and Advocacy about Asylum Seekers and Refugees » : il s'agit de montrer les enjeux et difficultés de l'association recherche/militantisme sur/pour les droits de l'homme (ici droits des demandeurs d'asile et réfugiés)

### **Appréciation du stage :**

#### Appréciation globale de votre stage :

Ce stage a été extrêmement utile et formateur pour moi et m'a conforté dans mon projet professionnel qui est à la fois de travailler sur, auprès et pour des populations migrantes (étrangers en situation irrégulière, demandeurs d'asile, réfugiés notamment).

#### Justifiez :

J'ai dû mettre en application les compétences de recherche que j'avais acquises à l'IEP mais aussi être capable de travailler avec les différents acteurs du système australien notamment lors de mes visites au centre de détention. Il fallait à la fois être diplomate avec les autorités du centre et en même temps défendre le droit des personnes à l'intérieur si un problème survenait ainsi que nos droits en tant que visiteurs.

#### Jugeriez-vous le stage que vous avez effectué comme :

Pas du tout formateur ☐ peu formateur ☐ formateur ☐ très formateur ☐ extrêmement formateur ☒

#### Vous avez trouvé l'intégration dans la structure d'accueil :

Très mauvaise ☐ Passable ☐ Convenable ☐ Bonne ☐ Excellente ☒

# Acknowledgements

First of all I would like to thank the Centre For Human Rights Education in Curtin University and all its members for their welcome and for giving me the opportunity to get involved in their research and advocacy work.

I would like to thank more particularly professor Mary Anne Kenny, director of the centre, doctors Caroline Fleay, Lisa Hartley and Lynda Blanchard, lecturers, and Gaylene Galardi, project officer, from whom I had a very warm welcome. All along the internship, these persons were always available to help and advice. Thanks to them, I have learnt a lot about human rights issues related to immigration detention. They made me want to continue to work in that field. I am sincerely grateful.

Finally, I would like to thank all the members from the Refugee Rights Action Network (RRAN) and Associate Professor John Byron, Dean of the Research and Graduate Studies. Thanks to the RRAN carpooling organisation I have been able to visit Yongah Hill Immigration detention centre weekly for three months. Finally, I thank John Byron for his kindness and patience regarding the agreement with Curtin University.

# Abbreviations

ASeTTS Association for Services to Torture and Trauma Survivors

DIAC Department for Immigration and Australian Citizenship

CARAD Coalition for Asylum Seekers, Refugees and Detainees

CCG Community Consultative Group

IDC Immigration Detention Centre

MCASD Ministerial Council for Asylum Seekers and Detention

RRAN Refugee Rights Action Network

UASC Unaccompanied Asylum Seeking Children

# Contents

Fiche de présentation du stage .....	i
Acknowledgements .....	1
Abbreviations .....	2
Contents .....	3
Introduction: international orientation and human rights interest.....	5
An internship abroad about human rights .....	6
The situation of illegal migrants in France .....	7
Research and advocacy about asylum seekers and refugees in Australia.....	8
Part 1 – The CHRE: researching and advocating for human rights .....	10
Chapter 1 - Belonging to and challenging the academic sphere .....	11
I. History, staff and location.....	11
II. “Progressive strategies of teaching and learning” .....	12
III. A “supportive” environment to associate research, teaching and advocacy.....	13
Chapter 2 - “Research as an act of bearing witness” .....	15
I. What does ‘bearing witness’ in research mean? .....	15
II. “Seeking knowledge where the light is dim” .....	16
III. Recommendations to policy-makers.....	19
Part 2 – “Raising consciousness through experience”: dynamics of personal inclusion .....	22
Chapter 1 - Immigration detention in Australia .....	23
I. French insight and comparative dynamic .....	23
II. Immigration detention and excised territory .....	25
Chapter 2 - Visiting YH IDC .....	28
I. Participation to the Client Consultative Group.....	28
II. My role as a regular visitor: bringing social support and confronting SERCO management rules and bureaucracy .....	29

Chapter 3 - Reporting about Yongah Hill Immigration Detention Centre .....	32
I. Difficulties as a French student citizen.....	32
II. Reporting through education and opinion piece.....	32
Part 3 – “Seeking Asylum Alone” in Australia.....	35
Chapter 1 - The issue of UASC in Australia.....	36
I. Push factors and pull factors .....	37
II. Overviews and discussion about methodology .....	38
Chapter 2 - The necessity of a child-centred research.....	39
I. “Doing ethics” in interviews with UASC .....	39
II. The production of a report about ethical issues .....	40
III. Bridging academic and community spheres: challenges of dissemination.....	42
Conclusion: A growing interest for immigration detention issues.....	43
Return perspectives: getting involved in France .....	44
Promoting alternatives: doing a professional PhD .....	44
Bibliography.....	45
Appendices.....	48
Appendix 1 – Map of Immigration Detention Centres in Australia .....	49
Appendix 2 – Summary of recommendations, Expert Panel on Asylum Seekers .....	50
Appendix 3 – Main tasks and events at the CHRE from February 18th, 2013 to June 10th, 2013 .....	53
Appendix 4 – Ethical issues report – Bibliography .....	55

Introduction: international orientation  
and human rights interest

As part of my fifth-year at the *Institut d'Etudes Politiques de Toulouse (IEP)* I did a sixteen-week internship at the Centre for Human Rights Education (CHRE) situated within Curtin University Campus in Perth, Australia. I was included in the research and advocacy section about asylum seekers and refugees between the 18<sup>th</sup> of February 2013 and the 10<sup>th</sup> of June 2013. To begin with, I will presently explain why I chose the CHRE as my host organization and how I succeeded in getting this internship.

## An internship abroad about human rights

The IEP course is a five-year studying programme which encompasses the acquisition of basic knowledge about political sciences, internship or study placements abroad and specialisation. To finalise the diploma, students do a compulsory final year internship within the fifth-year.

I chose to be specialised in International Relations. In this course we particularly focused on the promotion of peace (peace-building, peace-making, peace-keeping), the challenges of globalisation, international law and human rights. In my opinion, a student in international relations should master at the very least one foreign language and be able to include himself or herself in a different environment than his or her native one. This is the reason why I wanted to do study placements and internships abroad. During my third year I studied in English and Polish universities. There, I was able to improve my skills in English and include myself in two different societies. I wished to do the same for my final year internship. I focused my researches on English-speaking countries because it was easier for me to integrate professionally in a country of which I mastered the language. We must indeed be able to communicate and interact fluently in a professional environment.

Furthermore, one of my objective was to find an internship related to the field of human rights. That is why I started to apply to international organisations such as the United Nation Organisation (UNO) or the United Nation High Commissioner for Refugees (UNHCR). Then, I expanded the research to non-governmental organisations (NGOs) such as Amnesty International and Human Rights Watch. However, for each application I realised it was very difficult to explain in which specific issue within human rights I was particularly interested in working (women, children, asylum seekers, refugees, workers...). I thought and still think that they are all interesting approaches of human rights. I solved this issue and succeeded in limiting the field of research thanks to an IEP project launched by Madame Laure Ortiz about the situation of illegal migrants in France.



## The situation of illegal migrants in France

In September 2012, I got involved in an IEP project launched by Madame Laure Ortiz about the situation of illegal migrants within Toulouse region. The project was aimed at setting up an observation of irregular migrant's legal processing when they appear before the judicial or administrative judge. In France, when a migrant person is arrested without valid ID documents, he or she can be ordered to leave the country by the French administration. Depending on the decision of the prefecture<sup>1</sup>, either the person has thirty days to leave the French territory or he/she can be held in an immigration detention centre (IDC)<sup>2</sup>. The latter option aims to ensure the effective return of that person. However, the person can contest that decision in front of the 'judge for liberties and detention (JLD)'<sup>3</sup>. Therefore, from November to January we attended several hearings of the JLD to assess the way migrants were treated while appearing in front of the judge. We worked with lawyers specialised in migrants' rights and activists from La Cimade<sup>4</sup> and the Human Rights League. We met several times between October and January in order to have some basic knowledge about migrants' law and the administrative and judicial legal procedures.

I knew from the beginning that I had to withdraw from the project at the end of the semester because I was still looking for an internship abroad. This fact made me realise my strong interest about migrants' issues and I did not want to stop working and researching about it. I wondered first if I should change my plans for the internship and stay in France. Nevertheless, I did not want to give up the idea of going abroad because working within a culturally different environment was very important for me. I started then to look for human rights organisations abroad dealing with migrants' rights issues. I thought that it could be an interesting experience to work about the same topic in a different country. My researches in Australia were successful and I found a lot of organisations advocating for refugees and asylum seekers rights. I discovered that this issue was very polemical and delicate in Australian politics. The Australian government is regularly confronted to human rights organisations denouncing its severe policy of mandatory detention towards so called illegal migrants, including asylum seekers. Among

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<sup>1</sup> The prefecture in France is an administrative service representing the Prime Minister and all ministers of the government in each French department.

<sup>2</sup> In French, immigration detention centre is called "centre de rétention administrative (CRA)". However, I will use the term Immigration Detention Centre (IDC) through the whole report for both detention system in France and Australia in order to simplify the comprehension.

<sup>3</sup> In French this judge is called Juge des libertés et de la détention.

<sup>4</sup> La Cimade is a social movement defending the rights of foreigners and assisting the latter locked in immigration detention centres. For more information see their website, <http://www.lacimade.org/>.

other organisations I came upon the CHRE website and decided to get in contact with its director, Mary Anne Kenny.

## Research and advocacy about asylum seekers and refugees in Australia

On the CHRE website I read that the centre had a special focus on asylum seekers and refugees in detention. I saw that the centre did not have any internship programme and I decided to write a first email to Mary Anne Kenny who is the director of the centre. I introduced myself, explained the reason of my interest in their centre and asked if they would be interested in having an intern within their structure. Mary Anne's reply was very positive and she wanted to talk about the project with her colleagues. In one month-time and after several emails and one international call we succeeded in planning a possible internship at the centre. Since the centre had never had professional interns<sup>5</sup> there was a need to define more precisely what would be the objectives and the kind of work I could do for the centre.

I had explained to Mary Anne my interest in issues related to the detention of migrants and my interest in doing research and political analysis about that topic. One of the characteristic of the CHRE is that it associates research, education and advocacy which is a balance I find very interesting. One of the objective of the internship was therefore to give me an insight of what it is to lead researches and at the same promoting and being engaged in human rights causes. I would particularly work with Dr Caroline Fleay, Dr Lisa Hartley and Professor Mary Anne Kenny because they work in the field of refugees and asylum seekers which is closely related to the project I was engaged in in France. Therefore, Mary Anne Kenny thought I could integrate one of the area of research they were currently engaged in about asylum seekers and also commit myself to visit Yongah Hill Immigration Detention Centre in Northam<sup>6</sup>. It was decided that I could also attend to some classes performed by the lecturers of the CHRE in order to gain some basic knowledge about the Australian immigration system and its policies. We agreed that Mary Anne would be my supervisor but I could work with any of the other member of the centre about a particular topic. One of the positive feature was that I would work quite independently even though some feedback about my work would be given from time to time. I think that the ability to work independently is important in order to get confidence in oneself and find out if you are really interested in the profession. Finally this internship was the

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<sup>6</sup> See Appendix 1 of this report

opportunity for me to be on the field for my Master thesis. The latter is about immigration detention in France and Australia. It was the occasion for me to link my research to the field and to benefit of my French background about detention issues. My presence in the centre was therefore considered useful in a comparative perspective.

In this report I will show the challenges, ambiguities and rewarding aspects of the combination of research, advocacy and activism about asylum seekers and refugees. Research, teaching and advocacy are the main activities of the CHRE staff and what makes it known among the community. However, the association of the three can be challenging. I will first present the philosophy and organisation of the CHRE and the dynamics below. I will then go into further details about my inclusion as a French intern within this dynamic and finally present one particular research project I was involved in.

## Part 1 – The CHRE: researching and advocating for human rights

In this part I will present the peculiar and original character of the CHRE by demonstrating how it promotes, within an academic environment, the interesting but difficult association of research, advocacy and/or activism. According to Francesca Cancian, the researcher who wants to bridge research, community participation and social change has to belong and be accountable at once to three different or even contradictory worlds: academia, community (activist organisations and people studied) and policy makers<sup>7</sup>. Each sphere has different values, responds to different obligations and aims at different goals. From that point of view I will argue that the CHRE is aimed at associating these worlds and has been quite successful in the pursuing of that goal until now.

## Chapter 1 - Belonging to and challenging the academic sphere

The CHRE is a recent structure which has succeeded in being included within the campus of Curtin University over its ten years of existence. Research and teaching are core activities of the staff. From that point of view, we can say that the CHRE belongs to the academic world because it complies with two criteria of the academia. However, complementary to this compliance, I also noticed original features in the organisation and the way of teaching which are challenging to the classical academia.

### I. History, staff and location

The Centre for Human Rights Education is a small independent organisation situated within Curtin University of Technology Campus in the Faculty of Humanities building. It was created in January 2003 thanks to the endowment of Dr Haruhisa Handa for the Chair of Human Rights Education, “the first such chair in Australian university”<sup>8</sup>. It is now part of the Research and Graduate Studies, runs a Master Course degree on Human Rights and is financed by Curtin University thanks to its growing popularity among students. The originality of the CHRE at Curtin University is that it is not situated in the Faculty of Law but in the Humanities building which demonstrates the will to have a broader social vision of human rights than the only legal aspect. For example, even though Mary Anne Kenny, director of the CHRE has a Master degree in Law, Dr Caroline Fleay and Dr Lisa Hartley, two main teachers working at the CHRE, are

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<sup>7</sup> Cancian, F.M. (1993). Conflicts between activist research and academic success: participatory research and alternative strategies. *American Sociologist*, 24, p93.

<sup>8</sup> CHRE website, available at [http://info.humanrights.curtin.edu.au/about\\_us/](http://info.humanrights.curtin.edu.au/about_us/)

respectively graduate in Political Sciences and Psychology. This multi-disciplinary aspect breaks with the classical academic division of disciplines<sup>9</sup>.

The staff mostly comprised lecturers even though there is an official director and a project officer. The current staff gathers the nine following persons<sup>10</sup>:

- Mary Anne Kenny, Director: migration agent, member of the Ministerial Council on Asylum Seekers and Detention
- Gaylene Galardi, Project Officer
- Dr Caroline Fleay, Lecturer
- Dr Lisa Hartley, Lecturer
- Lucy Fiske, Lecturer
- Dr Lynda Blanchard, Visiting lecturer, Post Graduate Research Coordinator
- Yirga Gelaw Woldeyes, Sessional Lecturer
- Fiona McGaughey, Sessional Lecturer
- Denise Brown, Sessional Lecturer

Currently, because of the staff's academic and professional background, research and advocacy are more focused on refugees and asylum seekers' rights. Regular reports, papers and academic articles are written and some are published online on the centre website. The fact that most of the staff has an academic background allow the organization to communicate accurate information based on thorough research on human rights issues.

## II. “Progressive strategies of teaching and learning”<sup>11</sup>

Apart from that researching aspect, the CHRE also runs a Master Course in Human Rights which is becoming very popular among students. This course fits in the teaching aspect of academia but teaching methods are quite original as well.

The educative aspect of the centre represent an important part of the activities at the centre and is linked to the advocacy aspect. According to Flood, Martin and Dreher, students can “provide a ... source of inspiration and positive reinforcement for the activist academic”<sup>12</sup>. Dr Lynda Blanchard, visiting lecturer at the CHRE, shares this opinion and is very concerned about the

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<sup>9</sup> Flood, M.G., Martin, B., & Dreher, T. (2013), “Combining academia and activism: Common obstacles and useful tools”, *Australian Universities Review*, volume 55 issue 1, p21-23.

<sup>10</sup> CHRE website, available at [http://info.humanrights.curtin.edu.au/about\\_us/staff.cfm](http://info.humanrights.curtin.edu.au/about_us/staff.cfm)

<sup>11</sup> Flood, M.G, *Ibid*. p17

<sup>12</sup> *Ibid*, p19

participation of her students during the class to increase their consciousness about human rights. Similarly, the CHRE has dedicated a whole unit to ‘Human Rights Activism, Advocacy and Change’<sup>13</sup>. This particular unit is an incentive for the students to reflect about human rights from an advocate and activist perspective.

Furthermore, teachers try to be creative in their methods of teaching and learning to motivate their students and shift from the classical final essay assignment. The latter is still part of the final assignment but it is combined and complementary to other forms of assignment. For instance, I attended a meeting in which Gaylene Galardi and Lynda Blanchard presented an online teaching method whose aim is to create a “learning community”<sup>14</sup> *created by* students in the class. Since a lot of students at the CHRE are external it was seen as a way for them to work with the other students via a wiki<sup>15</sup> project which was gradually edited online all along the semester. The assessment was collective (per group) and represented an opportunity for the students to truly get involved together and for the teacher to assess participation and involvement through a more meaningful tool than classic oral participation in class.

### III. A “supportive” environment to associate research, teaching and advocacy

All the persons who work for the centre appreciate the fact that advocating for human rights is also part of their work as researcher and teacher. The advocacy is not an activity that they have only beside their research and teaching work but it is included in it. As Flood, Martin and Dreher say in their article the combination of the two is a source of motivation because “their personal and political investments in ‘making a difference’ can give impetus to their professional work, motivating both intensified research and public engagement”<sup>16</sup>. The challenge is therefore to find a balance between researching, teaching, advocacy and activism which is not always easy. Nevertheless, contrary to other activist researchers, doctors at the CHRE have a dedicated time to do it which is highly valued because of the “supportive environment” they are in<sup>17</sup>.

The centre is indeed well seen within Curtin University and attracts more students every year. Curtin University is also regularly hosting public events and forums about human rights

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<sup>13</sup> Curtin University website, <http://handbook.curtin.edu.au/courses/31/313841.html>

<sup>14</sup> See Appendix 3 of this report

<sup>15</sup> Wiki means “collaborative website” in the internet technical jargon

<sup>16</sup> Flood, M.G., Martin, B., & Dreher, T. (2013), “Combining academia and activism: Common obstacles and useful tools”, *Australian Universities Review*, volume 55 issue 1, p18.

<sup>17</sup> Interview 11/04/2013, Doctor Lisa Hartley, lecturer at the CHRE

organised by the CHRE and highly encourages this practice. In addition, to work at the centre means being among persons who care about the same human rights issues as you do and allow the sharing of information and experience. It is obvious that peer influence in the academia is very active so if none of your colleague are interested in activist involvement and the kind of action you take complementary to your research it can be fairly hard to maintain serenely this kind of involvement<sup>18</sup>. On the contrary, to work at the centre implies a certain involvement in human rights advocacy which is not separate from your role as a researcher and teacher. Finally, the CHRE enjoys a certain extent of freedom and autonomy to run research, courses and advocacy. This independent character is reinforced by internally collegial decision-making and a non-competitive atmosphere among members concerning research and funding.

The support enjoyed by teachers is also of material and technical kind. The role of Gaylene Galardi, project officer at the centre, is particularly important. Gaylene followed a photography and multimedia training and is graduate into Human Rights after following Master courses at the CHRE. She supports the teaching and learning aspect of the centre by providing material support for the online teaching. Her role is helpful to the professors who are relieved from some administrative and technical tasks and can concentrate on education, research and advocacy. Gaylene also develops the web presence of the centre by adding events and publications online which gives visibility to the centre among a broader public than just students and academia<sup>19</sup>.

To conclude, the CHRE is part of the academic sphere but its collegial, multi-disciplinary and supportive environment challenges some boundaries classically set in the academia. This challenging aspect is further detailed in the following chapter.

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<sup>18</sup> Flood, M.G, *Ibid.* p23-24

<sup>19</sup> For instance, when googling “human rights organisations Perth”, the CHRE website is in the top results



## Chapter 2 - “Research as an act of bearing witness”<sup>20</sup>

Thanks to the staff committed to advocate for the cause of human rights, the CHRE has also managed to keep links with activist organisations and the community in general. Through reports, articles, conferences and interviews, the information gathered and the findings of research are made public at different levels. Indeed, the type of research led by academics such as Caroline Fleay or Lisa Hartley is not only classical academic research as one would understand. It means that it is not “primarily “for” colleagues” and strictly tied with the faculty and students<sup>21</sup>. Similarly, the “people being studied” are considered more as subjects than objects of research which implies a real consideration and inclusion of their experience and feelings in the research. Thus, the common aspiration to objectivity in the research is not thought to be reached through disengagement and rationality of the researcher<sup>22</sup>. On the contrary, these characteristics are put into question and confronted to a method called “bearing witness” which promotes new methods and tools in order to research about oppression and resistance<sup>23</sup>.

### I. What does ‘bearing witness’ in research mean?

“Bearing witness” is a method of research for researchers who are regularly confronted to human rights abuses. Human rights research implies that the researcher is regularly confronted to the non-respect of these rights and feels that he/she has to do something more with the information collected than only write an academic paper. Therefore bearing witness means that there is an ethical responsibility of the researcher<sup>24</sup> to act and make information public by writing reports, recommendations, open letters or holding forums about human rights. The aim is to raise consciousness among citizens and give power back to the persons who see their rights being abused. This is a way to design research which aims to “awake a sense of injustice”<sup>25</sup> and means that the researcher’s feelings, emotions and opinions should not (or cannot) be entirely removed and put aside. Indeed, the “mask of objectivity” promoted in the academic

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<sup>20</sup> Interview 11/04/2013, Doctor Lisa Hartley, lecturer at the CHRE

<sup>21</sup> Cancian, F.M. (1993), “Conflicts between activist research and academic success: participatory research and alternative strategies”, *American Sociologist*, volume 24, p92

<sup>22</sup> Fine, M. (2006), “Bearing witness: Methods for researching oppression and resistance - A textbook for critical research”, *Social Justice Review*, volume 19 issue 1, p95.

<sup>23</sup> *Ibid.*

<sup>24</sup> Comas-Dias in Fine, M. (2006), *Ibid.* p90

<sup>25</sup> Deutsch in Fine, M. (2006), *Ibid.* p86

sphere is as much inclined to produce “partial knowledge”<sup>26</sup> as too much emotional involvement because the researcher is remote from the social reality. Similarly, the researcher should not remain within the comfort and ‘brightness’ of the laboratory but put its findings in perspective to the outside world reality<sup>27</sup>.

The act of bearing witness is a method which accurately defines the work accomplished by the staff of the centre and allows an adequate balance between researching, teaching and advocating activities. Research is thus led in order to inform the society and impact the government decisions about human rights issues. According to Caroline Feay, as a member of the academic sphere, you have a legitimate power recognised by your peers but also by the society. Your level of education is indeed a good indicator of your credibility and this should be used by researcher in such possession in order to advance human rights causes. As Flood, Martin and Dreher say: “universities can provide resources for activism, including ... public credibility and authoritative speaking position”<sup>28</sup>.

## II. “Seeking knowledge where the light is dim”<sup>29</sup>

As stated above, the human rights researcher should not be separated from the social world and therefore should focus his/her attention on topics which challenges human rights. Therefore, research should not be innovative solely from an academic and conceptual point of view but should also be creative in the methodology and the participation of the community. Here, the community should be understood as designating the people studied in the research and/or activist organisations promoting social change.

This particular aspect of research can be illustrated by some reports written by the professors in the CHRE. For example, Caroline Fleay and Linda Briskman, wrote a report about the impact of detention on migrants detained at Curtin Immigration Detention Centre (Curtin IDC)<sup>30</sup>. Curtin IDC is located in the far northern part of Western Australia<sup>31</sup>. It first opened in September 1999, closed in 2002 and then reopened in April 2010. Caroline and Linda visited the centre five times as researchers and human rights advocates between January 2011 and

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<sup>26</sup> Fine, M., *Ibid.* p89

<sup>27</sup> *Ibid.* p85.

<sup>28</sup> Flood, M.G., *Ibid.* p18

<sup>29</sup> Deutsch in Fine, M., *Ibid.*

<sup>30</sup> Fleay, C., Briskman, L., (2011), “The Hidden Men: a report to the Minister for Immigration and Citizenship on visits to the Curtin Immigration Detention Centre”, online report, available at [http://blogs.curtin.edu.au/human-rights-education/files/2011/11/The\\_Hidden\\_Men\\_17\\_Nov.pdf](http://blogs.curtin.edu.au/human-rights-education/files/2011/11/The_Hidden_Men_17_Nov.pdf)

<sup>31</sup> See Appendix 1 of this report

November 2011. Each visit lasted between two and seven days. Because of its remote location, Curtin IDC is not regularly visited by human rights defenders or migration agents but regular human rights abuses can be noticed. In their report, the two authors raised seven different field of concerns which should be addressed by the Minister for Immigration. They are presented as follow: “Despair”, “Lengthy delays in claims processing”, “Accommodation”, “Recreation”, “Communication”, “Physical Surrounds”, “Day-to-day management”<sup>32</sup>. The first concern, “Despair”, is a common issue raised by human rights advocates when denouncing abuses in immigration detention centres. Indeed, the persons detained in these centres suffer from mental health issues which can be seen through different symptoms such as “sleeplessness”, “nightmares”, “depression” and “anxiety”<sup>33</sup>. These symptoms and the taking of anti-depressant medication take roots in the fact of being mandatory detained for an indefinite period of time. In Australia all “unlawful non-citizens”<sup>34</sup>, who do not have a valid visa to enter in Australia, must be detained while their situation is being regularised. This category of migrants include asylum-seekers coming to Australia for protection by boat without valid documents. According to the Key Immigration Detention Values<sup>35</sup>, detention should be used as a last resort and “for the shortest practicable”. However the practice is different. Asylum seekers are often detained for several months or years waiting for their claim to be processed. Uncertainty and detention inflict severe mental and physical harm to these persons. According to the Human Rights and Equal Opportunity Commission, to treat mental-health concerns you have to deal with the root cause of the problem. In this case, indefinite detention is one of the root cause of the despair of these persons. Hence, the solution to appease asylum seekers’ concerns is to release them in the community to wait for the confirmation or not of their status<sup>36</sup>. In addition, the two authors argue that the processing of the claims should be more efficient, accurately scheduled and not postponed. In Curtin IDC some men have waited 18 months in detention because their first claim was first refused, then refused on review and were awaiting judicial review. Indeed, in Australia, if your initial application for review is refused you have a right of merits review. If the latter is also negative an application for judicial review in front of a judicial court is possible and can order the case back to merits review. In this last stage, the government does not fund any legal assistance which means that the person has to find a lawyer to take the case on a pro-

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<sup>32</sup> Fleay, C., Briskman, L., *Ibid.* p6-11

<sup>33</sup> *Ibid.* p6

<sup>34</sup> Migration Act 1958, available at <http://www.comlaw.gov.au/Search/migration%20act%201958>

<sup>35</sup> Department for Immigration and Australian Citizenship (DIAC) website, available at <http://www.immi.gov.au/managing-australias-borders/detention/about/key-values.htm>

<sup>36</sup> Fleay, C., Briskman, L., *Ibid.* p7

bono. In the meantime, the person is kept in detention and sometimes some appointments like court hearings are cancelled or postponed because of administrative mismanagement of their case<sup>37</sup>. Conditions of detention are secondly denounced in the report and deal mainly with accommodation<sup>38</sup>, access to recreation facilities, communication difficulties, access to communications with the outside world and the management of SERCO<sup>39</sup>. The two authors have reported what they had observed, listened and experienced in order to make public what was “hidden” until then. Similarly Lisa Hartley and Caroline Fleay wrote a report called “Released but not yet free”<sup>40</sup> which was based on interviews with men who had been in detention for 15 to 25 months and were now released in the community. The authors raised serious concerns about the consequences of long-term detention on mental health and made recommendations to the government.

Bearing witness is nevertheless a method which can be hard to implement. It is indeed very challenging for the researcher who wishes to succeed ‘academically speaking’. According to Flood, Martin and Dreher researchers who try to combine research, advocacy and activism are regularly confronted to the disapproval of peers who classically think that the researchers should not “popularise”<sup>41</sup> their findings and keep them within the academia close circle. Furthermore, according to Cancian, academic success is commonly reached through the “prestige” of publications and of the place of employment. These barriers are known by the academic staff at the centre. There are outcomes such as policy reports and recommendations which might not be convenient for academic publication. However, it does not mean that academic publication is not possible out of the findings of these reports. For example, some research findings can be adapted to conform to academic standards in order to reach different types of audiences<sup>42</sup>. It necessitates a lot of time and “after hours”<sup>43</sup> work is often necessary in order to cope with all the responsibilities.

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<sup>37</sup> *Ibid.* p7-9

<sup>38</sup> At the time of their visit, 1400 persons were detained at Curtin IDC whereas the capacity of the structure was only of 1200.

<sup>39</sup> IDC in Australia are run by private security companies such as SERCO Australia.

<sup>40</sup> Hartley, L., Fleay, C., (2012), “Released but not yet free. Refugees and Asylum Seekers In the Community After Long-Term Detention”, online report, available at [http://info.humanrights.curtin.edu.au/publications/policy\\_submissions.cfm](http://info.humanrights.curtin.edu.au/publications/policy_submissions.cfm)

<sup>41</sup> Flood, M.G., *Ibid.* p22

<sup>42</sup> Hartley, L., Fleay, C., *Ibid.* p20

<sup>43</sup> Flood, M.G., *Ibid.* p20

Besides reports and recommendations, the CHRE hosts different conferences and forums in partnerships with associations for refugees such as the Coalition for Asylum Seekers, Refugees and Detainees (CARAD) or the Association for Services to Torture and Trauma Survivors (ASeTTS). For instance, on the 28<sup>th</sup> of February 2013, a conference was organized with Robin De Crespigny, filmmaker and author of the book *The People Smuggler*. She came to talk about her book and the way she had come to write about the story of a man, Ali Al Jenabi, who had escaped from Saddam Hussein's Iraq and then made the long journey to Australia and to the dangers experienced by many asylum seekers. The seminar was organized by the CHRE in collaboration with the Refugee Rights Action Network and was opened to the public.

Members of the CHRE staff also regularly participate in meetings with other stakeholders within the community. It is the case of the Red Cross Community Meeting organized monthly which gathers different stakeholders to the refugee and asylum seekers' cause. I have participated to one of them and observed that it was the occasion to raise local issues (in Perth) dealing with the treatment of asylum seekers and refugees.

Finally, I have attended to the interview of Caroline Fleay and Lisa Hartley with SBS TV News. Both had to talk about immigration detention in Australia: its history, its consequences on politics, on asylum seekers, the future perspectives. It is again another tool in order to reach the broader community.

### III. Recommendations to policy-makers

Mary Anne Kenny's specific role in the CHRE is another illustration of the characteristic intertwining of research and advocacy. Besides her role as Director of the CHRE, she is a lawyer, registered migration agent and a member of the Ministerial Council for Asylum Seekers and Detention (MCASD). The role of the Council is to advise the Minister for Immigration about issues concerning asylum seekers and detention such as detention facilities, assistance to people whose status is not confirmed, policies, services and programmes concerning immigration status...<sup>44</sup> For that purpose the Council is committed to contribute to research made in the area, to visit regularly the detention facilities in Australia, to respond to the Minister request about a particular topic considered as urgent. The Council is therefore linked to the government and it has to keep in mind state interests as well as human rights issues related to detention which implies some ambiguity in the outcomes. Despite this ambiguity, Mary Anne Kenny's participation is interesting because she has "a foot" in the actual system which is a

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<sup>44</sup> MCASD website, <http://www.mcasd.gov.au/>

good asset because it allows a better understanding of the government perspective and, therefore, enables her to see on what point the Council can influence the government. Hence, Mary Anne Kenny agreed to bring her legal knowledge to the Council but as a human rights advocate she sometimes disagrees on certain points of government policy.

For instance, in June 2012, Julia Gillard government asked three experts one of to make a report on asylum seekers in which they had to make recommendations in order to solve the issue of ‘irregular maritime arrivals’ on Australian shores. One of the expert, Paris Aristotle AM, is a member of MCASD but did not participate to the panel in the name of the Council. The outcomes of the report led by the Air Chief Marshal Angus Houston AC AFC (Ret’d), were to be implemented by the government. It did not condemn mandatory immigration detention in itself but addressed concerns about the conditions of detention and the necessity to have a regional approach to solve irregular maritime arrivals and improve claim processing<sup>45</sup>. The humanitarian idea behind is to prevent asylum seekers from risking their lives at sea as stated in the report:

*“The loss of life on dangerous maritime voyages in search of Australia’s protection has been increasing. The number of irregular maritime arrivals (IMAs) who have arrived in Australia in the first seven months of 2012 (7,120) has exceeded the number who arrived in total in 2011 (4,733) and 2010 (6,850). The likelihood that more people will lose their lives is high and unacceptable”*<sup>46</sup> ...

Further on, it is explained that the solution is therefore to shift “the balance of risk and incentive in favour of regular migration pathways and established international protections and against high-risk maritime migration”<sup>47</sup>. The report also promotes deterrents to come to Australia such as the re-opening of Nauru detention centre, to the condition that facilities should be improved to meet human rights standards, and the principle of ‘no advantage’. The latter implies that people arriving on the mainland will not be processed faster than people applying through legal means. For human rights defenders it is not acceptable because off-shore processing is even more distressful for asylum seekers and the no advantage principle will not deter people from coming. Additionally, the question of ‘irregular maritime arrivals’ is very controversial

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<sup>45</sup> See Appendix 2 of this report for Summary of Recommendations

<sup>46</sup> Report of the Expert Panel On Asylum Seekers, June 2012, *Australian Government*, p7, available at <http://expertpanelonasylumseekers.dpmc.gov.au/report>

<sup>47</sup> *Ibid.* p8

because according to article 31 of the 1951 Refugee Convention of which Australia is a signatory part:

*“The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence”*<sup>48</sup>.

As an advocate for asylum seekers and refugees’ rights, Mary Anne Kenny does not agree with some of the recommendations of the report. Nevertheless, a lot of them have been implemented by the government such as the “no-advantage principle” and the sending of asylum seekers to Nauru (independent island state) even though human rights standards are still not met yet<sup>49</sup>.

To conclude we can say that the structure and the work accomplished within the centre is challenging to the classical academic world which usually separates research from advocacy and activism. The CHRE organisation and philosophy allow doctors and professors to link and associate their different roles as researchers, teachers and advocates for human rights and at once attempts to challenge policy-makers particularly about immigration detention and refugees’ rights.

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<sup>48</sup> Article 31, 1951 Convention on the Status of Refugees, available at [www.unhcr.org/4ca34be29.pdf](http://www.unhcr.org/4ca34be29.pdf)

<sup>49</sup> Whitmont, Debbie, « No advantage », Four Corners, ABC, 29/04/2013, available at <http://www.abc.net.au/news/2012-08-16/an-officials-looks-to-reestablish-nauru2c-png-asylum-centres/4201794>, accessed : 2/07/2013

## Part 2 – “Raising consciousness through experience”<sup>50</sup>: dynamics of personal inclusion

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<sup>50</sup> See Appendix 3 of this report



The Centre has never had interns within its structure except for student interns doing research for the centre. It is the reason why we had to agree about my role within the centre. I had explained my expectations about the internship and the fact that it is supposed to integrate me in a professional environment. The CHRE is a small organisation and most of the decisions are taken collegially. Therefore they did not need an intern to take care of heavy administrative tasks or organise the logistic for some projects. Gaylene Galardi, the project officer, was already mainly in charge of that. Thus I was integrated in the research and advocacy section.

I got involved in two main projects which implied different tasks and activities. One of the project was to go visiting on a regular basis Yongah Hill immigration detention centre which would be a concrete advocacy activity. The second main project was a research one which was aimed at preparing a future research project about Unaccompanied Asylum Seeking Children coming to Australia. In this second part I will particularly focus on the concrete advocacy experience, that is to say my visits to Yongah Hill Immigration Detention Centre. I will first present the immigration detention system in Australia and describe the kind of tasks and activities it implies before and afterwards. Finally I will show how this experience particularly raised my consciousness about asylum seekers in detention in addition to the theoretical knowledge I had accumulated before. I will also go into details about the opportunities I had afterwards in order to “make something” of what I had seen and be able to “bear witness” at my level.

## Chapter 1 - Immigration detention in Australia

I will first comment and argue about immigration detention policy from a comparative perspective with the French system of immigration detention. Indeed my French background at once helped me to understand immigration detention even though Australia and France have two different policies. Secondly I will focus more deeply on the challenges and issues concerning immigration detention in Australia and why as an intern it became part of my advocacy work at the CHRE.

### I. French insight and comparative dynamic

The fact that I was involved in an IEP project concerning illegal migrants in France was valuable in my work at the centre. The main difference concerns the nature of detention. In Australia, immigration detention is mandatory and indefinite for all illegal migrants whereas in France it remains a possibility (even though it gets more systematic) and the length of detention

is limited to 45 days. Besides, in Australia, issues raised by human rights organisations were about the treatment of asylum seekers because they compose the majority of the people detained in immigration detention. According to the Department for Immigration and Citizenship statistic for January 2013, 7874 persons were held in immigration detention and out of that amount 7502 were considered as irregular maritime arrivals seeking asylum<sup>51</sup>. In France all the persons in immigration detention centres are people considered as illegal stayers on the French territory and wait to be returned by the French administration. While in detention, illegal migrants in France, have the possibility to contest two kinds of administrative decision: the return decision in an administrative court and the detention decision in itself in a judicial court. In Australia, asylum seekers are only able to contest the first decision about their refugee status if found negative.

The two systems nevertheless draw closer to each other concerning the kind of arguments underlying detention. Both states have the tendency to stigmatise illegal migrants and/or asylum seekers as potential threats to the national security. In Australia, the first key value of detention is: “Mandatory detention is an essential component of strong border control”. Similarly in France, the administration has the possibility to launch an emergency processing to return without period a migrant person who represent a *threat* to public order or *might* be inclined to escape from a classic return decision<sup>52</sup>. Apart from the depreciative image, French and Australian immigration detention systems are similar concerning detention centres and processing in overseas territories. As will be developed further on in the report, Australian immigration system for asylum seekers is separated between onshore and offshore processing. Detention conditions and human rights abuses are more likely to happen in offshore places of detention such as Christmas Island (still part of Australian territory) or Nauru (independent state). Likewise in France, migrant’s rights in overseas territories such as Mayotte island are regularly violated. For instance, the control over the administrative decision of detention is rarely possible because people are returned before any judicial intervention. This is made possible because French overseas territories obey to an exceptional regime which allows them to circumvent some legal dispositions<sup>53</sup>.

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<sup>51</sup> Immigration Detention Statistics, DIAC, <http://www.immi.gov.au/managing-australias-borders/detention/facilities/statistics/>

<sup>52</sup> Illegal migrants stamped by a return decision usually have a 30 days period to leave the French territory in Toppino, A., (2012), *Guide pratique des droits des étrangers*, Issy-les-Moulineaux: ESF, p115

<sup>53</sup> ASSFAM, La Cimade, France Terre d’Asile, Forum Réfugiés, Ordre de Malte France, *Centres et locaux de rétention administrative*, rapport annuel 2011, p8

All along my internship I was regularly asked to talk about the French system of immigration detention. For instance I was invited to have lunch with lawyers and migration agents from CASE for Refugees, an organisation which assists asylum seekers and migrants in general with their applications for visas and family reunion. This meeting was the occasion for me to learn more about judicial assistance in Australia and for them to have a different perspective.

At first sight the French might appear more humane because illegal migrants in detention have more rights in France than asylum seekers detained in Australia. However, it is also worth noticing that the two systems operate on two different dynamics because of two different legislations. The French system is characterised by the rapidity of processing and sometimes to the detriment of migrant's rights because judicial assistants do not have time to act efficiently. In Australia the processing is slow because authorities are allowed to keep people in detention indefinitely and migration agents have often too many cases. France is also compelled to conform to European Union Directives on top of the national legislation whereas Australian administration relies essentially on national even though it also has international obligations. In the end both dynamics lead to the non-respect of migrants' rights on different levels because state's arguments, interests and fears are much similar.

Even though both systems can be compared on certain grounds, I had to take distance with the French system in order to thoroughly understand the complexity of the Australian system. That is why I will now go into further details about immigration detention in Australia and show the main concerns asylum seekers advocates are facing when they visit immigration detention centres.

## II. Immigration detention and excised territory

In 1992, the detention of “unlawful non-citizens”<sup>54</sup> has become mandatory in Australia. This reform took place because of the arrival of 438 of Vietnamese, Cambodian and Chinese “boat people” between 1989 and 1992<sup>55</sup>. The term “boat people” has become a very common term for those arriving by boat coming without a valid visa to Australia. The media are particularly keen on this expression because everybody in Australia will know what it means<sup>56</sup>. It pictures

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<sup>54</sup> Migration Act 1958, available at <http://www.comlaw.gov.au/Search/migration%20act%201958>

<sup>55</sup> Australian Human Rights Commission website, [http://humanrights.gov.au/human\\_rights/children\\_detention\\_report/report/chap06.htm#endnote15](http://humanrights.gov.au/human_rights/children_detention_report/report/chap06.htm#endnote15)

<sup>56</sup> See The Age, ABC and The Australian, available at [http://www.theage.com.au/execute\\_search.html?text=boat+people&ss=National+Times](http://www.theage.com.au/execute_search.html?text=boat+people&ss=National+Times), [http://search.abc.net.au/search/search.cgi?form=simple&num\\_ranks=20&collection=abcall&query=boat+people](http://search.abc.net.au/search/search.cgi?form=simple&num_ranks=20&collection=abcall&query=boat+people), <http://search.news.com.au/search/boat+people/?us=ndmtheaustralian&sid=910&as=TAUS&ac=search&filter-site=TheAustralian&filter-section=TheAustralian%3ENews&filter-site=HeraldSun&filter->

a pejorative image of these persons who are not considered anymore as asylum seekers seeking protection but simple migrants coming by boat illegally. Later on, in the years 1990 and 2000, there was an increase of arrivals of these “boat people” which are said to have greatly challenged Australian border security. The solution found by the Labor Keating government was to enforce mandatory detention for these people. The other controversial element is that there is no time limit to detention. Despite one of the key value stated by the Minister for Immigration and Australian Citizenship in 2008<sup>57</sup> which informs that “detention in immigration detention centres is only to be used as a last resort and for the shortest practicable time”<sup>58</sup>, a large amount of asylum seekers are detained for many months or years and see their mental health worsening. Deprivation of liberty and uncertainty about the future are indeed very destructive to these people’s well-being.

In addition, some of them are not always detained on the mainland territory. Since the years 2000 and the Howard government, Australia has been implementing an offshore processing which implies the detention of boats before they reach Australia’s mainland shores and their sending to other territories to process asylum claims. These territories are called “excised offshore places”<sup>59</sup> which means that they are withdrawn from ‘Australia Migration Zone’. The “excision”, therefore, gives the Minister for Immigration total power to allow who will be able to have their claim processed. These territories include Christmas Island, Ashmore and Cartier Islands and Cocos (Keeling) Islands. In May 2013, to complement this offshore processing system, the Labor government succeeded in passing a new legislation in the Parliament which implies the excision of the whole mainland territory. It aims to deter asylum seekers travelling from Indonesia by boat to reach Australian mainland shores<sup>60</sup>. Consequently, Australia will be the first country who signed the 1951 Refugee Convention to excise its own territory from its migration zone. Asylum seekers coming by boat and applying for a protection visa will be subject to the “no-advantage principle”. It means that applications made on Australian soil will not be processed until the Minister for Immigration personally allows it. Implicitly, it also

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[site=DailyTelegraph&filter-site=TheAustralian&filter-site=HeraldSun&filter-site=DailyTelegraph&filter-site=TheAustralian&date-search=all-dates&from-day=1&from-month=1&from-year=1990&to-day=7&to-month=1&to-year=2013](#)

<sup>57</sup> DIAC website, <http://www.immi.gov.au/managing-australias-borders/detention/about/key-values.htm>

<sup>58</sup> *Ibid.*

<sup>59</sup> Migration Amendment (Excision from Migration Zone) Act 2001, available at <http://www.comlaw.gov.au/Details/C2004A00887>

<sup>60</sup> Hall, B., “Mainland excised from Australia’s Migration Zone” , 16/05/2013, available at <http://www.smh.com.au/opinion/political-news/mainland-excised-from-australias-migration-zone-20130516-2joee.html>, accessed: 4/07/2013

prolongs detention periods and submit asylum seekers on the mainland to the same conditions of processing as asylum seekers detained in other excised territory.

Besides, Australia also agreed with governments of other independent island states, such as Nauru and Manus Island, to ‘host’ people seeking asylum. Detention centres on these two islands were reopened in August 2012<sup>61</sup> despite extremely alarming conditions. In December 2012, the UNHCR actively denounced the conditions of detention and processing on Nauru Island stating that:

*“The current uncertainty about responsibilities for different aspects of processing and ongoing delays in the commencement of such processing are likely, together, to have a significant and detrimental impact on the mental and physical health of asylum-seekers transferred from Australia to Nauru over time”*<sup>62</sup>.

The pressure on the psychological health of the detainees is indeed even stronger because there is no way for them to know when they will be processed for the presence of lawyers and social workers in these centres is scarce or inexistent. Access to the general public and visitors in these islands is obviously even more difficult. It seems that the Australian government wants to keep some places secret. For instance, SBS journalist Mark Davis was threatened to have his footage deleted and experienced “endless bureaucracy” in order to get access to Manus Island detention centre<sup>63</sup>. These policies make visits to immigration detention centres in Australia by citizens and activists even more important in order to bring support and help to asylum seekers.

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<sup>61</sup> Australian Associated Press, “Government steps up reopening of Nauru”, 10/09/2012, available at <http://news.smh.com.au/breaking-news-national/govt-steps-up-reopening-of-nauru-png-20120910-25new.html>, accessed: 4/07/2013

<sup>62</sup> “Mission to the Republic of Nauru 3-5 December 2012”, Report, *UNHCR*, available at [http://unhcr.org.au/unhcr/index.php?option=com\\_content&view=article&id=282:unhcr-warns-of-serious-shortcomings-at-nauru-processing-centre&catid=35:news-a-media&Itemid=63](http://unhcr.org.au/unhcr/index.php?option=com_content&view=article&id=282:unhcr-warns-of-serious-shortcomings-at-nauru-processing-centre&catid=35:news-a-media&Itemid=63)

<sup>63</sup> Davis, Mark, “What’s really happening at Manus Island?”, *SBS Dateline*, available at <http://www.sbs.com.au/news/article/1771646/Dateline-Whats-really-happening-at-Manus-Island>, accessed: 4/07/2013

## Chapter 2 - Visiting YH IDC

Difficult access to immigration detention centres is not exclusive to offshore places of detention. As a visitor of immigration detention centres on the mainland you are also confronted to certain rules and obligations. As an intern at the CHRE, I have been visiting the men in Yongah Hill Immigration Detention Centre (IDC) in Northam for three months almost every week-end. Yongah Hill IDC was opened in June 2012, has a capacity of reception of 600 and is managed by the private security company SERCO Australia. I went there for the first time with one my colleague and then kept going with people from the Refugee Rights Action Network. On one punctual occasion I went there with Mary Anne Kenny to participate to the Client Consultative Group. I will first describe this latter experience and return to my regular visits with RRAN members in a second part.

### I. Participation to the Client Consultative Group

As a member from MCASD, Mary Anne Kenny is entitled to visit immigration detention centres and to participate to the Community Consultative Group (CCG) in Yongah Hill Immigration Detention Centre. The idea of Community Consultative Groups in immigration detention was created in early 2000 because some issues in detention were raised. It allows members, departmental officers, detention service providers and key members of the community to meet and discuss issues associated with facilities and operations at the local level. It is usually chaired by a member from the MCASD and the talks are recorded. The aim is to make sure that people in detention are not forgotten and that human rights are respected within the detention centre. It is also the place where participants to the Group can ask questions about the progress of issues raised on previous meetings. The second aim is to make sure that the community surrounding the centre (citizens from Northam here) understands why there is a detention centre and who the people are inside. When the Yongah Hill IDC was about to open there was a mobilisation of Northam citizens who feared that the centre will depreciate the image of the city. Therefore it is also the occasion to talk about community events organised by the centre for the clients outside the detention centre within Northam community.

Before the meeting, MCASD members have the right to visit the whole centre which means that they have access to all the buildings including compounds, kitchen, library, internet room, recreation area...etc. They are accompanied by a person from the Department for Immigration (DIAC). Thanks to Mary Anne Kenny who asked for authorisation for me to join in, I was able to participate in the visit and to the following meeting on the 10th of April 2013. As a regular visitor to the clients I have usually no access to all the facilities. The visit of the centre was in

my opinion very quick certainly because we were running late for the meeting. It was more a general view of the buildings but there was not enough time to notice any issue. For confidential reasons, I am not allowed to talk more into details about what I have seen, observed or heard during the visit so I will now talk about the CCG.

I was mostly an observer because I was not an official member of the CCG even though I was asked about my opinion as a regular visitor. I have noticed that the purpose of that group is mainly to talk about issues *within* the centre either dealing with clients' rights or access to facilities for outsiders. It is the occasion to exchange and give opinions about the conditions of detention, the visits, access to medical services for clients...etc. It is worth noticing here that there was not any 'client' invited at the meeting nor activist organisations such as RRAN. Besides, even though you might think differently, the purpose is not to condemn mandatory and indefinite detention but to make sure that human rights inside detention are respected.

It was very interesting to be part of the meeting because I got another perspective about immigration detention which was different from the advocacy and activist angle of the regular visits I used to do. It was a good opportunity to meet with people such as immigration officers and SERCO head manager who make the whole system of mandatory detention running and with whom you might not share the same opinion.

## **II. My role as a regular visitor: bringing social support and confronting SERCO management rules and bureaucracy**

To begin, all 'clients' are allowed to receive visitors every day. It does not have to be a relative or a close person to the client. It means that anybody can visit immigration detention centres in Australia as long as the visitor knows the name of someone who is detained. Nevertheless this knowledge is not so easy to get if you are not a regular visitor. The Refugee Rights Action Network (RRAN), an activist organisation for refugees and asylum seekers in Western Australia, organises regular visits every week end to Yongah Hill Immigration Detention Centre in Northam. Thanks to the carpooling system I was able to join RRAN members in their visits on weekends. The centre is indeed located approximately an hour and a half from Perth CBD and not easily accessible by public transport. This is why RRAN organised car lifts via a Facebook group called "Yongah Hill Visitor Group".



The purpose of the visit was mostly to bring support to the persons detained there. My role was not directly to assist them judicially or socially. However if there was something I could do for them from the outside I would let them know. Visitors usually brought games, food and books to play and share for a few hours, but we mostly talked. Conversations could be really casual but sometimes you could hear the frustration of the men who were longing to be released. I felt the contrast between happiness to have visitors coming and sadness or bitterness to remain in the immigration detention centre. I realised that visiting these men was really important as an individual advocacy act because not so many people go to visit and people are usually happy to see you. Therefore, visits are a way to bear witness of what is happening inside the walls.

As a visitor you only have access to the reception and the visitor room. You learn about how life is in the compound area via your conversations with the men who regularly report about their experiences with officers and their activities. However SERCO officers' behaviour can be witnessed from a visitor's point of view as well. When you visit regularly you notice how unstable the rules inside the centre are. From one visit to another they could change without previous notice. You regularly have to contend with new interdictions or directions which were not in force the week before. Litigations could be a simple prohibition of pens inside the visitor room to the enforcement of being seated separately. On the 12th of May for instance, we were five persons willing to visit and were forced to seat in different groups in the visitor room. We were usually allowed to sit in a big circle to include everybody. The first reason of this habit was that there were sometimes new visitors and new asylum seekers who felt more comfortable being included in a bigger group. The second reason was that it could happen that the person you are supposed to visit does not come or does not speak English. In the latter case it is very convenient to be mixed with other men who are able to translate. We had to argue with SERCO officers for half an hour but we got separated in two groups anyway. Likewise, visitors must be careful when they apply for a visit. Application forms must be sent at least 24hours before the visit via fax and SERCO officers are supposed to call you once your visit has been approved. However they usually call you on Saturday morning for a visit on Sunday so if there is any issue with your form it is too late to send a new application. Hence, I used to call on Thursdays or Fridays to check. Sometimes they would tell me that it had been approved but other times they would ask me to wait for the confirmation call. Once, RRAN members called and were told that their application forms were found in the bin and that they had to do their application again without further explanation. Another time some of the men inside were not given the usual slip of paper to authorise them to come to the visitor room whereas they had their names on our forms.



Concerning security issues in the centre, you have to get rid of phones, money, cameras, keys, and of any kind of weapons or dangerous objects (even pins and brooches) before the visit. Everything is put into a locker. All doors are opened thanks to a swiping card only possessed by SERCO officers. The few belongings you are allowed to take are scanned at the same time as you have to go through a metal detector. Finally, inside the visitor room we have to ask the permission to move the furniture in order to be seating altogether in a circle. From an outsider point of view these kind of barriers can be considered as minor requirements but on a regular basis it can become very annoying and frustrating to argue about such small issues. You feel that if you do not stand for these issues they might impose you something else the next time you visit until complete disincentive is achieved. In that sense, visiting Yongah Hill IDC confronted me to bureaucratic obligations and forced diplomacy with the persons in possession of power.

On the other hand I felt somewhat frustrated about that role because I had the impression that I could not do anything in order to help these people inside who are confronted with the instability of rules every day for several months or years. The idea was to provide them moral and social support but concretely there was nothing I could do for them since I was not there as a judicial assistant or a social worker. I wanted to do something at my level, as an advocate for asylum seekers at the CHRE and I will go into details in the following chapter.

## Chapter 3 - Reporting about Yongah Hill Immigration Detention Centre

After my *regular* visits to Yongah Hill IDC it was important for me and also part of my internship to regularly report, at least orally, about what I had seen and how it had gone. As I have said above the rules within IDC are sometimes arbitrary and fickle. Consequently, it happened several times that some minor incidents occurred between visitors and SERCO officers. I was reporting mostly to Caroline Fleay and Lisa Hartley who particularly focus their research on immigration detention. Reporting and talking about my visits to immigration detention was useful because it was the occasion to reflect on my motivations to be a visitor and on my scope of action. As I will show below, visiting IDCs also indeed triggered some frustration about my utility as a visitor.

### I. Difficulties as a French student citizen

As explained in the second chapter of this second part, my visits to Yongah Hill were mainly to bring moral and social support to asylum seekers in detention. I am indeed not a lawyer, nor a social worker or a psychological therapist so it took me some time to understand what my scope of action was. Moreover, as a French intern staying for only four months I felt even more ‘destitute’ because I could not help and support on a long-term basis. As a result, after three to four visits, I was seriously interrogating myself about my motivations to go there. I had the impression that I was not doing enough and that my visits were becoming a sort of voyeurism of people’s life in detention. Was I going for me? Was I going for them? What was the purpose of my visits? What did I concretely bring to them? What shall I do about my experiences? I felt unable to deal with what I had learned from my exchanges with asylum seekers and my personal interactions with SERCO officers. That is why I decided to ask for advice from Mary Anne Kenny and Caroline Fleay..

### II. Reporting through education and opinion piece

Caroline Fleay suggested several possibilities to me. It appeared that to my level, my scope of action in order to ‘bear witness’ about what I had seen was first of all to regularly report to my colleagues about potential incidents in order to assess what was possible to do. However this did not seem enough to my point of view so she told me that I could try to write an opinion piece about my experience in visiting an IDC in Australia in order to make public what I had seen. Indeed, there are not so many people who visit IDCs in Australia so what happens inside is not well known by the public and this is one of the reason why so many citizens do not

understand the non-sense of mandatory detention. Therefore my strength was to be able to talk about immigration detention with my knowledge of what is going on inside. By the end of May, I transmitted a paper to Caroline which synthetised my eight visits to Yongah Hill IDC. Ideally this paper is to be published online on *ABC The Drum* in the opinion section but it was not possible to do so before the end of the internship. However I will keep editing it afterwards to make it more publishable and be able to submit. In the meantime, Caroline Fleay will use the information in the paper to illustrate her words during an international conference in England about *Politics of detention*.

Apart from this opinion piece I was also asked to do oral presentations. For example, I have participated to a student conference about refugee rights issues organised by Dr Lisa Hartley<sup>64</sup>. I chose to present some of the main ideas which framed my Master thesis topic because it deals with the comparative arguments underlying immigration detention in France and Australia. This experience was a great opportunity to confront research hypotheses and concepts to an external public composed of students. In that presentation it was more about presenting theoretical aspects about immigration detention than telling my experience in visiting immigration detention. Thus, it was the occasion to expose the theoretical and academic side of my work as an intern at the CHRE and as a 5<sup>th</sup> year student from the IEP.

In addition, I also assisted the preparation and lecturing of one of Doctor Lynda Blanchard's class about Refugees, Rights and Education<sup>65</sup>. I had to intervene during the class to talk about my experience in visiting detention centres as a student from France and explain how this experience helped me to raise my consciousness about human rights besides the theoretical aspects of detention. My intervention was recorded and filmed in order to put it at the disposal of external students who were not able to join the class. While I was preparing this class I considered this activity as another way to bear witness in front of a public, that is to say Masters students in Human Rights. They were indeed concerned about asylum seekers' and refugees' rights but had never visited immigration detention centres. I explained what it was like to be a visitor in immigration detention, how we were seen by SERCO officers and through which processing we had to go. It was a rewarding experience as people were interested and asked a lot of questions about the aim of such visits, how they could join RRAN or any other organisation promoting refugee's rights.

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<sup>64</sup> See Appendix 3 of this report

<sup>65</sup> *Ibid.*

To conclude, my visits in Yongah Hill IDC and the communications I made about it fits into the idea of association between research and advocacy. It is part of any research project to go on the field, however that kind of field do not privilege exterior observation nor the researcher's exclusion. On the contrary, my visits to Yongah Hill IDC implied that I got involved for the cause of these men as an individual concerned about human rights issues. I had to commit in order to bring support. I have learned much more information by building a relationship with these men than if I had positioned myself as a simple observer. Moreover, I had told the men I used to talk to about the fact that I was doing research about immigration detention and might want to report about what they say. Obviously I asked them if I could do so and if they wanted me to do that anonymously. All of them agreed because they saw any attempt to make their situation known outside as worthwhile.

## Part 3 – “Seeking Asylum Alone” in Australia<sup>66</sup>

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<sup>66</sup> Crock, M., (2006), *Seeking Asylum Alone – Australia: a study of Australian Law, Policy and Practice Regarding Unaccompanied and Separated Children*, Themis Press

We agreed with Mary Anne that in addition to my visits in Yongah Hill IDC, I could get involved in a research project in order to be included in one of the main activity of the CHRE. I chose to take part in some preliminary work in a research project about Unaccompanied Asylum Seeking Children (UASC) coming to Australia. This project was different from the rest of my work at the CHRE because I have worked on it from the end of February until the end of May. There were different stages and some took more time than others according to what my activities besides were and the feedback Mary Anne was giving to me.

I will start with the definition of who are unaccompanied children according to the definition from the UNHCR in 1994:

*“‘unaccompanied children’ (also referred to as ‘unaccompanied minors’) are children under 18 years of age who have been separated from both parents and are not being cared for by an adult, who by law or custom, has the responsibility to do so.”*

Concerning UASC, the research project consequently exclude children seeking asylum with their families and focus on children who came alone or accompanied only by a smuggler or an adult who would not take care of him/her after his/her arrival in the host country.

## Chapter 1 - The issue of UASC in Australia

The question of unaccompanied minors is a recent issue in Australia and too few research has been led concerning this population. Therefore the government bases its action towards this category on superficial statements and assumptions without wondering about the causes of their arrivals and the reasons of their departure. As a consequence these children often stay into specific immigration detention facilities for children and families which are not always set for children. For instance, in April 2013, because of an increasing number of families arriving by boat, the Labor government decided to send families and children to Curtin IDC. According to human rights organisations, the government had promised not to do so when it was reopened in 2010<sup>67</sup>. Considering the findings of Dr Caroline Fleay and Dr Lynda Briskman quoted above from their report about Curtin IDC, the centre is not suitable for children.

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<sup>67</sup> Hall, B., “Minister considering reopening Curtin detention centre to families”, SMH news, 22/04/2013, online available <http://www.smh.com.au/opinion/political-news/minister-considering-reopening-curtin-detention-centre-to-families-20130422-2i9gt.html#ixzz2Vc22A3Vc>, accessed 4/07/2013

## I. Push factors and pull factors

This is why the CHRE, and more particularly Mary Anne Kenny, is willing to launch a research project about UASC. The focus of the research is about the experiences of individuals who are separated or unaccompanied children of Afghan origin applying for asylum in Australia. I concentrated on the reasons and motives for children to leave their country and come to Australia, that is to say the “push” and “pull” factors.

Children in general are often considered as a vulnerable category of population and as such must be entitled to greater measures of protection to address their needs. UASC are considered as an even more vulnerable population because they usually suffer from traumatic experiences which have occurred in their country of origin or during their journey to western countries. Therefore one can be surprised of the Australian policy towards UASC which is considered as highly inappropriate by many human rights organisations. All children arriving by boat without a valid visa are subjected to a ‘screening-in’ process and mandatory detention in order to lodge their demand for asylum. According to the Australian Commission for Human Rights 2012 report about Immigration Detention on Christmas Island, “the Commission did not find the conditions in Lilac Compound appropriate for immigration detention purposes, and especially inappropriate for the detention of children”<sup>68</sup>. The absence of social carers and the weak role dedicated to Independent Observers attending the interview are also denounced in this report. As denounced by Mary Crock in her 2006 report, “[i]n order to access Australia’s asylum procedures, a child who enters Australia without a valid visa must demonstrate without legal assistance of any kind that he or she is a person in respect of whom Australia owes ‘protection obligations’”<sup>69</sup>. The other issue deals with the absence of an appropriate legal guardian at the arrival of UASC in Australia. The Minister for Immigration and Citizenship is the guardian of all unaccompanied children without protection from any parents or responsible adult. The first ambiguity is that the Minister also has the power to send them in detention which is contestable compare to his role of protector. The second ambiguity is that, considering the number of UASC in Australia, we can wonder how he effectively achieves his protective role.

Since the policies of the government towards unaccompanied minors coming to Australia have not been proved appropriate, it is necessary to wonder why this kind of measures have been

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<sup>68</sup> “Immigration detention on Christmas Island. Observations from visit to immigration detention facilities on Christmas Island” (2012), *Australian Human Rights Commission*, p11

<sup>69</sup> Crock, M., (2006), *Ibid.* p12

taken. Mary Anne Kenny thinks that there is not enough research about these children in order to fairly address their needs and thus would like to gather more information particularly via interviews. The aim is to understand who are these children by focusing on their experiences at home, during their journey and at their reception in Australia in order to draw out “push and pull factors” to their departure. A better understanding of these children would indeed allow the society and the government to shift their view about them and trigger social change.

## II. Overviews and discussion about methodology

As part of my internship I did some preliminary research about that topic. I have first gathered relevant reports dealing with UASC going to western countries in general. I was asked to write short overviews of these reports in order to present each of them. All reports had led interviews with UASC to a certain extent. I had to discuss and report about the methodology to gather information *from* UASC via interviews and eventually of relevant stakeholders. In almost all the reports, researchers have ‘triangulated’<sup>70</sup> the different information found from UASC, stakeholders and legal statements. As stated above, in Australia UASC do not have a specific legal guardian except for the Minister for Immigration and Citizenship which can constitute a problem for the researcher willing to have access to the children. In the five reports, indeed, the researchers first established contact with relevant stakeholders such as social workers in order to make a selection of the children who could be interviewed<sup>71</sup>. The relevant stakeholders, administration and/or associations, have the advantage to know the children they take care of and, besides the child himself, have a legitimate position to estimate if a child can participate to interviews. They can also act as an intermediary between the researcher and the child to present the research, explain the aim of the interview and the non-compulsory aspect of the participation. As a matter of fact, this part of the research is going to be more difficult in Australia. Nevertheless some reports were very helpful in order to think of alternatives to official social or case workers. For example, one of the author sometimes chose to rely only on an acknowledged “responsible adult”<sup>72</sup> to obtain the permission or agreement for the interview.

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<sup>70</sup> Mougne, C., (2010), “Trees only move in the wind. A study of unaccompanied Afghan children in Europe”, *Policy Development and Evaluation Service (PDES)* – UNHCR, p44-45

<sup>71</sup> Mitchell, F., (2009), « Case study: Research with and about children and young people who are unaccompanied and seeking asylum », in Tisdall, K., Davis, J., Gallagher, M. (2009), *Researching with Children and Young People : Research Design, Methods and Analysis*, p49-53, e-book, available at <http://curtin.ebib.com.au.dbgw.lis.curtin.edu.au/patron/FullRecord.aspx?p=783494> , (accessed 6 May 2013)

<sup>72</sup> Hopkins, P. (2008), “Ethical issues in research with unaccompanied asylum-seeking children”, *Children’s Geographies*, volume 6 issue 1, p37-48, available at <http://dx.doi.org/10.1080/14733280701791884> , (accessed: 6 May 2013)



## Chapter 2 - The necessity of a child-centred research

My second activity was to write about the consideration of ethics when interviewing UASC. I had to gather relevant literature about researching with and about children and draw a report out of my findings. I have really enjoyed researching and writing that paper because it was an opportunity to get knowledge about a specific category of asylum seekers, that is to say unaccompanied children. Indeed, when I was visiting Yongah Hill immigration detention centre I met only men since Yongah Hill is a centre reserved for male adult asylum seekers. Thus I learnt about the different considerations to take when dealing with children and how to make them participate in a manner which include them in the research.

### I. “Doing ethics”<sup>73</sup> in interviews with UASC

Mary Anne Kenny thinks about leading interviews with UASC in order to bring a personal insight in the research project. The final report has to gather information collected from relevant literature and statistical data. However, it also seems fair when researching about a certain community to include its members in the research<sup>74</sup>. For that purpose Mary Anne Kenny chose the method of semi-structured interviews with some twenty UASC.

The solution of interviews in order to make the children participate is an illustration of the way the CHRE works with the community. Here community is used to designate the population being studied, the UASC. Cancian thinks that the term “community” tends to standardise the people and hide their “internal differences”<sup>75</sup> which is not untrue. However, in that case it has to be understood as a way to designate the category of people “targeted” in the research. The inclusion of the “UASC community” in the research allows the researcher to have a subjective insight into the issues at stake and is a manner to give power to these population over its situation. Carlson argues that making people participate to the research give them a sense of control<sup>76</sup>.

In the project about UASC coming to Australia, interviews will be mainly prepared by the researcher. However there are ways for the latter to prepare and lead these interviews in order to include children into the research processing and give them a sense of control over the

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<sup>73</sup> Allen in Tisdall, K., Davis, J., Gallagher, M. (2009), *Ibid.* p13

<sup>74</sup> Cancian, F.M. (1993), “Conflicts between activist research and academic success: participatory research and alternative strategies”, *American Sociologist*, volume 24, p92-106

<sup>75</sup> *Ibid.* p93

<sup>76</sup> Hopkins, P. (2008), *Ibid.* p37-48

interview. Mary Anne will ask the children to talk about their experience in Australia but also back to their home country which can be quite distressful for UASC. That is why I was asked to write a report about ethical issues concerning interviews with children. I tried to give advice and recommendations about how to make children truly feel that they are part of a project which is in their interest and without giving them the impression that the researcher controls everything like during an immigration officer's interview (to whom they already had to tell their story). For that purpose I have read and inspired myself from the literature dealing with child-centred approach in general and UASC challenges in particular<sup>77</sup>. The articles, reports and books I have collected the information from put into question our adult perception of children and UASC and talk about methods in order to avoid prejudices toward that community.

## II. The production of a report about ethical issues

My readings led me to the conclusion that in order to have successful interviews with UASC, the researcher must have as much as possible a child-centred approach. The latter has become a very common perspective undertaken by researchers who wish to research about and with children. According to Adele Jones<sup>78</sup>, child-centred research methodology can be defined through five criteria:

- Accessibility and understanding of the methods used to make the children participate
- Acknowledgement that children's knowledge is valuable
- Recognition of "children's rights of expression"
- Considering children as "active subjects"
- Use the research findings to "address children's voicelessness"

This method is about distancing yourself from the common vision of children as only vulnerable and innocent persons without any opinion. Therefore the principle of the child-centred approach is to resituate children as 'political subjects'<sup>79</sup> of a different kind and able to trigger social change. In that sense, interviewing children is in itself a good method in order to include them within research and to value their knowledge and experiences. It is particularly interesting to do so when one focus on UASC because they are even more categorised as vulnerable, innocent

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<sup>77</sup> Appendix 4 of this report

<sup>78</sup> Jones, A. (2007), "Child-Centred Methodology: Children's experiences of Separation Through Migration: The Case of Trinidad and Tobago", *Conference Report Focus on Children in Migration – From a European Research And Method Perspective*, Warsaw, p12 available at [http://www.childsrights.org/html/documents/adem/16.%20Conference\\_Report\\_Warsau.pdf](http://www.childsrights.org/html/documents/adem/16.%20Conference_Report_Warsau.pdf), (accessed: 6 May 2013)

<sup>79</sup> *Ibid.* p13

and forceless to express personal opinions. However several researchers dealing with UASC realised that these children also possessed resilience and protective factors<sup>80</sup> to help them coping with the traumatic experiences they often were victims of in their original country. In that respect, the child-centred is not about forgetting what these children suffered but to consider that they have skills and means to overcome their difficulties. Resilience is defined as “patterns of positive adaptation in the context of significant risk or adversity”<sup>81</sup> and the protective factors can be individual, collective (relationships with “significant others”) and related to the resources and support the child receives in the host country. The latter factor implies that the trauma can also come from or be worsened by harsh conditions of reception. Similarly, the type of help at their disposal such as psychologists can be inappropriate for some children who feel that the only way to overcome their trauma is to suppress any type of emotion and have as much distraction as possible<sup>82</sup>. To research about UASC is consequently a way for “western” researchers to distance themselves from their cultural habits when dealing with UASC as a matter of respect for them.

However all the above does not means that there are not any precaution the researcher should take before leading the interview. For example, he/she has to deconstruct the dominant relationship which is usually set up between adults and children. It means that in order to respect ethical issues in interviews such as informed consent, privacy and confidentiality, one must consider the fact that children might feel obliged to participate to the interview because adults asked them to. In order not to bias the interview, this kind of feeling should be contradicted thanks to a briefing with the child as well as recurrent reminders during the interview that it can be ended at any moment<sup>83</sup>. Consequently, interviews with children necessitate preparation about the way the interview should be led and the findings disseminated (place, time, questions, breaks, food, drinks, comfort, feedback, anonymity).

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<sup>80</sup> Carlson, B., E. (2012), “A Risk and Resilience Perspective on Unaccompanied Refugee Minors”, *Social Work*, 57:3, 259-269

<sup>81</sup> Luster, T. et al. (2010), “Successful adaptation among Sudanese unaccompanied minors: Perspectives of youth and foster parents”, *Childhood*, volume 17 issue 2, p198, available at <http://chd.sagepub.com/content/17/2/197>, (accessed: 6 May 2013)

<sup>82</sup> Carlson, B.E, *Ibid.* p265-267

<sup>83</sup> Hopkins, P. (2008), *Ibid.*

### III. Bridging academic and community spheres: challenges of dissemination

My activity was to do some preliminary research for the future project but the final outcome of the latter are varied. Here are the expected results as stated in the project funding application:

1. Report to the Minister for Immigration and the Minister's Council on Asylum Seekers and Detention. The report will also be made publicly available on the CHRE website.
2. Two journal articles in refereed academic journals.
3. Presentation of findings at an academic conference.
4. Presentation of findings at two public seminars/events in Perth and Sydney.
5. Dissemination of research findings to the general public through at least one online media article (such as The Conversations or ABC The Drum)
6. Dissemination of research findings through interviews with media, sought through media releases and existing media contacts.

Considering the diversified outcomes which are expected from the research project, we can notice that it aims at informing different audiences such as policy-makers, academia peers and general public (Australian citizens). This fact also complies with the will to balance academic and advocacy/activism obligations toward which doctors, professors and officers at the CHRE aim to. Out of one research project, different outcomes will be drawn in order to reach the community altogether through different types of papers.

My involvement in this project gave an insight of what it is to lead research about a topic which is controversial in one given society with the aim to make the information public at different levels: governmental, academic and general public. Except for the research about illegal migrants in France, I had never done it with a concrete purpose behind since none of our research targeted to make recommendations to the government or helped the publication of academic articles. The fact to research and to know that your work can be proved useful for a certain cause is rewarding, exciting and gives you a real motivation. I felt that I was not researching just for my personal interest but that it could be used to achieve something more concrete. My studies at the IEP were nonetheless useful for that kind of work because we were trained and educated to lead independent research about various topics while asked to write an essay or prepare an oral presentation. The difference is that the report I have written will be considered as a tool for Mary Anne Kenny in order to start the research with some pieces of advice to lead interviews and not only as an assignment for a unit.

Conclusion: A growing interest for  
immigration detention issues

Since it was my first professional experience related to my field of study, I was obviously confronted to some difficulties to find my position in the centre. However, in many aspects, my internship at the CHRE made me realise my growing interest concerning migrant's treatment in western countries.

## Return perspectives: getting involved in France

I think that my experience at the CHRE and the way I have been included within the organisation will represent a good basis when I will be back in France. Indeed, if I had not chosen to go abroad for my internship I would have liked to do an internship within an organisation like "La Cimade". Now that I have a first experience in visiting immigration detention centres, I still have the will to get involved or even to work within that kind of organisation to judicially and socially assist migrants. The concrete aspect of advocacy is what I have preferred during this internship when I was participating to meetings and events gathering different actors from the community. Likewise, I have realised that working with people from the community (activists as well as people oppressed) can be powerful to trigger social change.

## Promoting alternatives: doing a professional PhD

Similarly, my involvement in the preparation of a research project which includes the "community" and aims to provoke social change was a really interesting approach which I find very powerful as well. My experience at the CHRE has given me the incentive to keep thinking of doing a PhD. However, I also feel that I have to accumulate more concrete and professional experience before seriously considering that option. Therefore, the PhD project is presently postponed and if it has to be done I would like to manage it toward a society issue in order to keep the link with the society and not restrain the findings to the sole academia comprehension. To do so, I might need to look for sponsorship outside the university system to organisations or local administrations interested in the kind of research I want to do.

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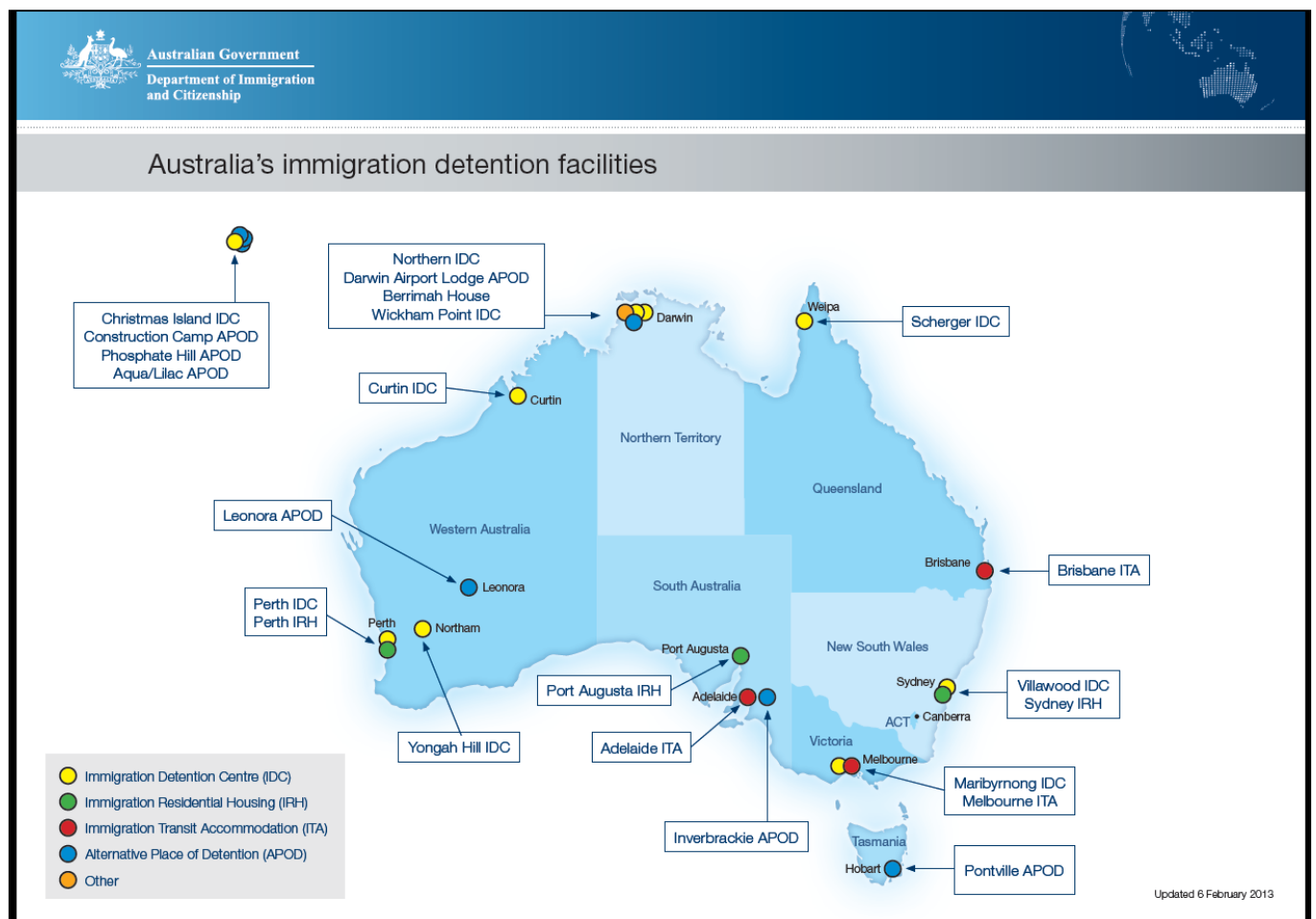
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## Appendices

## Appendix 1 – Map of Immigration Detention Centres in Australia<sup>84</sup>



<sup>84</sup> DIAC, Department for Immigration and Australian Citizenship, available online at [www.immi.gov.au/.../detention/facilities/map-operational-facilities.pdf](http://www.immi.gov.au/.../detention/facilities/map-operational-facilities.pdf)

## Appendix 2 – Summary of recommendations, Expert Panel on Asylum Seekers<sup>85</sup>

### SUMMARY OF RECOMMENDATIONS

#### Principles

##### *Recommendation 1*

The Panel recommends that the following principles should shape Australian policymaking on asylum seeker issues (paragraphs 2.6-2.22):

- yy The implementation of a strategic, comprehensive and integrated approach that establishes short, medium and long-term priorities for managing asylum and mixed migration flows across the region.
- yy The provision of incentives for asylum seekers to seek protection through a managed regional system.
- yy The facilitation of a regional cooperation and protection framework that is consistent in the processing of asylum claims, the provision of assistance while those claims are being assessed and the achievement of durable outcomes.
- yy The application of a 'no advantage' principle to ensure that no benefit is gained through circumventing regular migration arrangements.
- yy Promotion of a credible, fair and managed Australian Humanitarian Program.
- yy Adherence by Australia to its international obligations.

#### Australia's Humanitarian Program

##### *Recommendation 2*

The Panel recommends that Australia's Humanitarian Program be increased and refocused:

- yy The Humanitarian Program be immediately increased to 20,000 places per annum (paragraphs 3.3-3.8).
- yy Of the 20,000 places recommended for the Humanitarian Program, a minimum of 12,000 places should be allocated for the refugee component which would double the current allocation (paragraphs 3.3-3.8).
- yy Subject to prevailing economic circumstances, the impact of the Program increase (recommended above) and progress in achieving more effective regional cooperation arrangements, consideration be given to increasing the number of places in the Humanitarian Program to around 27,000 within five years (paragraphs 3.3-3.8).
- yy The Humanitarian Program be more focused on asylum seeker flows moving from source countries into South-East Asia (paragraphs 3.3-3.9).

#### Regional engagement

##### *Recommendation 3*

The Panel recommends that in support of the further development of a regional cooperation framework on protection and asylum systems, the Australian Government expand its relevant capacity-building initiatives in the region and significantly increase the allocation of resources for this purpose (paragraphs 3.26-3.28).

##### *Recommendation 4*

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<sup>85</sup> Report of the Expert Panel on Asylum Seekers, June 2012 Australian Government, available online at <http://expertpanelonasylumseekers.dpmc.gov.au/report>

The Panel recommends that bilateral cooperation on asylum seeker issues with Indonesia be advanced as a matter of urgency, particularly in relation to:

yy The allocation of an increased number of Humanitarian Program resettlement places for Indonesia (paragraphs 3.20-3.22).

yy Enhanced cooperation on joint surveillance and response patrols, law enforcement and search and rescue coordination (paragraphs 3.20-3.22).

yy Changes to Australian law in relation to Indonesian minors and others crewing unlawful boat voyages from Indonesia to Australia (paragraphs 3.20-3.22).

### *Recommendation 5*

The Panel recommends that Australia continue to develop its vitally important cooperation with Malaysia on asylum issues, including the management of a substantial number of refugees to be taken annually from Malaysia (paragraphs 3.23-3.24).

### *Recommendation 6*

The Panel recommends a more effective whole-of-government strategy be developed for engaging with source countries for asylum seekers to Australia, with a focus on a significant increase in resettlement places provided by Australia to the Middle East and Asia regions (paragraphs 3.29-3.33).

## Regional processing

### *Recommendation 7*

The Panel recommends that legislation to support the transfer of people to regional processing arrangements be introduced into the Australian Parliament as a matter of urgency (paragraphs 3.54 and 3.57). This legislation should require that any future designation of a country as an appropriate place for processing be achieved through a further legislative instrument that would provide the opportunity for the Australian

Parliament to allow or disallow the instrument (paragraph 3.43).

16 Report of the Expert Panel on Asylum Seekers, August 2012

### *Recommendation 8*

The Panel recommends that a capacity be established in Nauru as soon as practical to process the claims of IMA s transferred from Australia in ways consistent with Australian and

Nauruan responsibilities under international law (paragraphs 3.44-3.55).

### *Recommendation 9*

The Panel recommends that a capacity be established in PNG as soon as possible to process the claims of IMA s transferred from Australia in ways consistent with the responsibilities of Australia and PNG under international law (paragraphs 3.56-3.57).

### *Recommendation 10*

The Panel recommends that the 2011 *Arrangement between the Government of Australia and the Government of Malaysia on Transfer and Resettlement* (Malaysia

Agreement) be built on further, rather than being discarded or neglected, and that this be achieved through high-level bilateral engagement focused on strengthening safeguards and accountability as a positive basis for the Australian Parliament's reconsideration of new legislation that would be necessary (paragraphs 3.58-3.70).

## Family reunion

### *Recommendation 11*

The Panel recommends that the current backlog in the SHP be addressed as a means of reducing the demand for family reunion through irregular and dangerous maritime voyages to Australia, and that this be achieved through removing family reunion concessions for proposers who arrive through irregular maritime voyages – with these proposers to instead seek reunion through the family stream of the Migration Program (paragraphs 3.13-3.18).

### *Recommendation 12*

The Panel recommends that in the future those who arrive in Australia through irregular maritime means should not be eligible to sponsor family under the SHP but should seek to do so within the family stream of the Migration Program (paragraph 3.71).

## Other recommendations

### *Recommendation 13*

The Panel recommends that Australia promote more actively coordinated strategies among traditional and emerging resettlement countries to create more opportunities for resettlement as a part of new regional cooperation arrangements (paragraphs 3.35-3.37).

### *Recommendation 14*

The Panel recommends that the *Migration Act 1958* be amended so that arrival anywhere on Australia by irregular maritime means will not provide individuals with a different lawful status than those who arrive in an excised offshore place (paragraphs 3.72-3.73).

### *Recommendation 15*

The Panel recommends that a thorough review of refugee status determination (RSD ) would be timely and useful (paragraphs 3.74-3.76).

### *Recommendation 16*

The Panel recommends that a more effective whole-of-government strategy be developed to negotiate better outcomes on removals and returns on failed asylum seekers (paragraphs 3.81-3.83).

### *Recommendation 17*

The Panel recommends that disruption strategies be continued as part of any comprehensive approach to the challenges posed by people smuggling and that relevant

Australian agencies be resourced with appropriate funding on a continuing basis for this purpose (paragraphs 3.84-3.86).

### *Recommendation 18*

The Panel recommends that law enforcement agencies in Australia continue their activities in countering involvement of Australian residents who are engaged in funding or facilitating people smuggling operations (paragraph 3.87).

### *Recommendation 19*

The Panel notes that the conditions necessary for effective, lawful and safe turnback of irregular vessels carrying asylum seekers to Australia are not currently met, but that this situation could change in the future, in particular if appropriate regional and bilateral arrangements are in place (paragraphs 3.77-3.80).

### *Recommendation 20*

The Panel recommends that Australia continue to work with regional countries in a focused way to develop joint operational guidelines for managing Search and Rescue (SAR ) activities in the region and to address the need for any further regional and national codification of arrangements across SAR jurisdictions (paragraphs 3.88-3.90).

### *Recommendation 21*

The Panel recommends that, in the context of a review of the efficacy of the recommendations put forward in this Report, the linkage between the onshore and offshore components of the Humanitarian Program be reviewed within two years.

### *Recommendation 22*

The Panel recommends that the incompleteness of the current evidence base on asylum issues be addressed through a well-managed and adequately funded research program engaging government and non-government expertise (paragraphs 3.38-3.40).

## Appendix 3 – Main tasks and events at the CHRE from February 18th, 2013 to June 10th, 2013

### Main tasks

18th of February – 10<sup>th</sup> of June 2013: UASC research project

17<sup>th</sup> of March – 10<sup>th</sup> of June 2013: weekly visits to Yongah Hill Immigration Detention Centre

12<sup>th</sup> of March – 28<sup>th</sup> of March 2013: Research Assistance for Lynda Blanchard, editing *Conversations in Peace*

26<sup>th</sup> of March – 21<sup>st</sup> of May: weekly classes about Refugee Rights Issues, Dr Lisa Hartley

### Punctual Events

#### **February**

- 26<sup>th</sup>: Talk about *Indonesian Minors in Australia* with Colin Singer
- 28<sup>th</sup>: Conference with Robin de Crespigny, *The People Smuggler*

#### **March**

- 1<sup>st</sup>: Caroline Fleay and Lisa Hartley interview with SBS TV, *Immigration Detention*
- 14<sup>th</sup> and 21<sup>st</sup>: *Building Bridges* training with CARAD
- 20<sup>th</sup>: meeting Jade Roberts at Case for Refugees

#### **April**

- 10<sup>th</sup>: Yongah Hill visit with MCASD and CCG
- 17<sup>th</sup>: High Degree Research gathering at CHRE (meeting with students at the CHRE)

#### **May**

- 3<sup>rd</sup>: lunch meeting with Case For Refugee (exchanges about French and Australian systems)
- 4<sup>th</sup>: Student Conference about Refugee Rights, Dr Lisa Hartley
- 8<sup>th</sup>: Red Cross Community Meeting
- 14<sup>th</sup>: Group Wiki Project presentation with Gaylene Galardi and Lynda Blanchard
- 23<sup>rd</sup>: Seminar about *Designing a template to assist in the cultural change from a punitive to wholly restorative prison*
- 30<sup>th</sup>: *Raising consciousness through experience*, presentation of my visits at Yongah Hill IDC, Lynda Blanchard class

- 31<sup>st</sup>: Chittagong Hill Tracts Event - Teach-in about the human rights situation of Indigenous Peoples in Chittagong Hill Tracts, Bangladesh, with Bablu Larma (CHRE student), at Amnesty International office in Perth



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