

THE IMPACT OF BEING DETAINED ON-SHORE: THE PLIGHT OF ASYLUM SEEKERS IN AUSTRALIA

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[T]here is an assault on freedom of movement and a closing of borders by the more advanced industrial countries of the world. In the name of state sovereignty, border control, and humane deterrence, we are placing more and more barriers in the way of the fundamental human right to leave a country where there is a well-founded fear of persecution or other serious threat to personal security and well-being.¹

I. INTRODUCTION AND BACKGROUND

Increasingly, when confronted by the displaced, Australia's response has exemplified the objective of control that is being vigorously pursued globally by democratic states who are threatened by involuntary movements of people. Australia's policy of mandatory detention, which all non-citizens arriving in an unauthorised manner are subject to, along with the temporary protection visa regime, has a significant impact on the identity, and eventual settlement in Australia, of asylum seekers.² Yet in many discussions about detention the voices of asylum seekers are absent. One reason for the 'success' of this mandatory detention policy is that no one in the wider community 'hears their voices' and journalists find it difficult to gain direct comments from asylum seekers. This paper will look at the detention regime in Australia. Specifically, it will present responses to detention from refugees who have been held in immigration detention centres ("IDCs") in Australia. Their words are powerful and demonstrate the impact of the regime that thousands of people fleeing persecution are subjected to in Australia.

* This article is adapted from the author's Masters thesis completed in July 2000, entitled "The impact of onshore detention on the identity and settlement experiences of refugees in Australia".

1 AH Richmond, *Global Apartheid: Refugees, Racism, and the New World Order*, Oxford University Press (1994) p 115.

2 For an NGO perspective on detention see, for example, Amnesty International, *A Continuing Shame: The mandatory detention of asylum seekers* (1998).

First, it is important to consider how this regime of control came to be. Historically, the right to asylum has belonged more to the state that grants it than to the individual who claims it.³ States that receive people from other countries have acquired the immense power to accept, refuse and expel. This is definitely the case for asylum seekers in Australia. With refugee status determination procedures varying from country to country, "asylum for refugees is [now] narrowly framed and often contested".⁴ In my research, I have found that a consequence of the power of the state, is that it becomes an overwhelming signifier for asylum seekers' hopes and dreams. In this process, the state is transformed by the individual into an 'entity' to and with which they can relate. On finding themselves in detention, with their hopes and dreams unrealised, asylum seekers may turn their anger towards the state which they blame for their situation. An example of this occurred earlier this year where riots, hunger strikes and breakouts from detention centres occurred in many IDCs around Australia.⁵

It is apparent then, that refugees are finding safety and refuge harder to achieve. States have introduced techniques of classification for asylum seekers and refugees, so that the realm of detention is also a highly developed and complex bureaucracy.⁶ Terminology blurs distinctions and with the use of terms like 'asylum seeker', 'stateless person', 'illegal immigrant', 'undocumented arrival', 'temporary protection visa holder' and 'rejected asylum seeker', classification becomes complex.⁷ Finally, terminology and detention denies the experience of the individual by treating every person as if they were the same.

Most representations of asylum seekers in detention recently, have focused on them as 'Arabs', 'boat people' and 'queue jumpers' with the taint of being criminals and therefore not worthy of our protection.⁸ The individual stories of asylum seekers presented here challenge this stereotype. Detention becomes a system of controlling and uniformly penalises asylum seekers where instruments and methods used in asylums, such as segregation, surveillance, subordination and silencing, can be found.⁹

3 R Cohen, "The Detention of Asylum-Seekers in the UK" in D Joly and R Cohen (eds), *Reluctant Hosts: Europe and its Refugees*, Avebury (1989) p 146.

4 L Gordenker, *Refugee in International Politics*, Croom Helm (1987) p 140.

5 P Mares, "Woomera – a woeful state" *The Australian Financial Review*, 2-3 September 2000, p 26.

6 The parallels between immigration detention and prisons are growing. Given this, the work of Michel Foucault is important reading for any study of detention. See for instance, Michel Foucault, *Discipline and Punish: The Birth of the Prison*, Vintage (1979) and "The Subject and Power" (1982) 8 *Critical Inquiry*.

7 Recently, the Department of Immigration and Multicultural Affairs (DIMA) has chosen to name people arriving in Australia without documentation as 'forum shoppers', 'queue jumpers', and 'illegals', while other insist they are asylum seekers. See M Raper, "Understanding the Refugee Problem" (1998) 48 *Doctrine and Life* 390.

8 S Pickering, "The hard press of asylum" (2000) 8 *Forced Migration Review* 32.

9 It was recently discovered by the author that in one section of Villawood Immigration Detention Centre video cameras have been installed.

M Foucault, *Discipline and Punish* note 6 *supra*, p 206-7.

So why do governments detain? One reason is that governments that are seen to be tough on irregular migration win elections.¹⁰ Another reason is that the policy of detention, which costs AUS \$143 per person per day to run, ensures that unauthorised arrivals do not enter the Australian community before they have been properly assessed and are determined not to be a health or security threat to the wider community. The policy also serves as a deterrent whilst punishing those who have already sought to enter Australia in this way.¹¹ In 1998, the Department of Immigration and Multicultural Affairs ("DIMA") distanced itself from the responsibility of detention by contracting out the task of the day-to-day running of Australia's immigration detention centres to a private for-profit organisation, Australasian Corrective Management ("ACM").¹²

But when the label 'detainee' starts to be used, it is easy to forget that many 'detainees' are actually asylum seekers. The high rate of success for applications made in detention for protection visas, suggests that significant proportions of asylum seekers in detention are genuine refugees in need of our protection. For example, a 1998 National Audit Office investigation found that there was a 90 per cent success rate for illegally arrived asylum seekers.¹³ Yet as the number of undocumented arrivals rises there has been a growing hostility towards them fuelled by both the mainstream media and DIMA.¹⁴ The Immigration Minister, Philip Ruddock, has seen the popular success of an approach 'getting tough on boat people' and limited the terms of protection visas granted to people in detention to only three years. Prior to this, all asylum seekers were eligible for permanent protection visas.¹⁵

So what is the impact of all these regulations, provisions and statistics on refugees? It is very hard to gain a real picture of the impact of detention, as asylum seekers are not visible to the wider community – many detention centres are located in remote parts of Australia such as Port Hedland, Derby and

10 M Kingston, "Politics and Public Opinion" (1993) in M Crock (ed), *Protection or Punishment?: The Detention of Asylum-Seekers in Australia*, Federation Press p 9.

11 C Chamarete, "Is Detention Justified?", in M Crock (ed) *ibid*, pp 52-9.

12 S Taylor notes that when a contractor seeking to make a profit delivers these kinds of services, their actions must be subject to scrutiny "in order to dissuade [them]....from succumbing to the temptation of sacrificing the human rights of immigration detainees for reasons of security, cost savings or administrative convenience". S Taylor, "Protecting the Human Rights of Immigration Detainees in Australia: An Evaluation of Current Accountability Mechanisms" (2000) 22(1) *Syd L Rev* 62.

13 M Clutterbuck, "Immigration detention - why does Australia imprison refugees?" (1999) *Migration Action* 15.

14 A poll conducted in 1993 found that only 7 per cent of people wanted boat arrivals to stay, 44 per cent wanted them removed immediately and 46 per cent wanted them held in custody until their refugee claims are processed: M Kingston, note 10 *supra*. In this poll, Kingston presented a range of reasons why there is little anti-detention sentiment in the community, including racism, that boat arrivals are seen as queue jumpers taking resources and competing with Australians for employment. I find there is much irony in asylum seekers being seen as 'dole-bludgers' and competing with Australians for employment.

15 Temporary Protection visas (subclass 785), are granted for 3 years to people who apply for refugee status on-shore after 20th October 1999. During this time the holder is denied access to the full range of settlement services including English tuition, has no family reunion rights. However, they can receive Centrelink benefits, but it is expected that they find their own accommodation and work to support themselves. If they leave the country before this 3 year period, there is no automatic right of return to Australia. Only after 30 months can the holder of the TPV then apply for a permanent protection visa.

Woomera. Hence, what is largely hidden is the acute experience of those detained in Australia and the effects that long-term effect detention has on their settlement experience and identity. Only by bringing stories 'out' of the detention centres, is it possible to make visible otherwise invisible asylum seekers.¹⁶

Refugees and asylum seekers are often defined by others, usually professionals, endowed with authority on many different levels: globally, through definitions enshrined in international treaties; on a state level, by both domestic and international definitions; and, related to this, by the host community.¹⁷ On fleeing their 'homes' because of persecution, refugees face a progressive loss of identity. Disorder and disruption does play a role in defining an uprooted person especially in the legalistic international and local state.¹⁸ What is considered here are the implications this has for the individual. The fact that refugees and asylum seekers are often represented by 'experts' can be particularly problematic when one considers that exiles have very complex constructions of identity which are often stereotyped by those outside the exile experience.¹⁹ Detained asylum seekers are perceived as different to 'us' because of their language, culture, religion and dress.²⁰ They are treated as a threat by a government driven by a 'culture of control' and are largely represented as such in the popular press. In the process of being divided from the mainstream, asylum seekers become objectified, feared and come to be treated as a homogenous group. Continuing to be separated from 'us' makes it increasingly difficult for the 'other' to have their voice heard, either as a group or an individual.

Through measures like detention, asylum seekers become criminalised and made subject to the arbitrary power of administrators by whom they are labelled 'illegal' until proven otherwise.²¹ But asylum seekers in detention have not committed a crime nor have they been charged with any offence. In fact, punishment is entirely at odds in an environment of people seeking asylum. As was mentioned earlier, detention objectifies the individual who is then used to 'send a message back home' that is rarely listened to by other desperate people who continue to look for ways to find safety from danger.

II. MAKING THE INVISIBLE VISIBLE

During 1998-9, I conducted four in-depth interviews to explore the impact of this unfounded punishment on a person fleeing persecution. The interviews

16 R Julian, "Invisible Subjects and the Victimized Self: Settlement Experiences of Refugee Women in Australia", in R Lentin (ed), *Gender and Catastrophe*, (1997) Zed, pp 196-210.

17 For more detail see R Zetter, "Labelling Refugees: Forming and Transforming a Bureaucratic Identity", in 4 (1) *Journal of Refugee Studies* (1991).

18 K Olwig and K Hastrup, *Siting Culture: The Shifting Anthropological Object*, Routledge (1997) pp 5-6.

19 B Ashcroft and P Ahluwalia, *Edward Said: The Paradox of Identity*, Routledge (1999) p 12.

20 A large proportion of detained asylum seekers come from Iraq, a country known well to Australians through predominantly American media images during the Gulf War, which were accompanied by stereotypical representations of 'Arabs' and 'Muslims'.

21 M Foucault, *Discipline and Punish*, note 6 *supra*, p 221.

focus on the individual's response to the state-imposed regime of detention. Fictional names have been adopted for the participants, none of whom wished to be identified.²² They were: 'Fatima', a single Iraqi woman who spent nearly two months in an IDC; 'Moussa' a single Iraqi man who spent fifteen months in the most restricted section of an IDC; 'Abdul' a married Iraqi man whose wife and children remained in a third country while he was detained for nearly five months in an IDC; and 'Amir' a single Iranian man who spent fifteen months in an IDC, during which time he went on a hunger strike. These asylum seekers come from two of the top five nationalities represented in detention.²³

Mindful that one of the reasons for the 'success' of detention is that very few people in the wider community have the opportunity to hear the voices of detained asylum seekers, I have attempted to incorporate their speech in the following analysis. By highlighting the real words of refugees who were detained I hope to allow their voices, in some way, to be heard in this work:

All [the] time you are just a body with a paper - paper and body, that's all you are, not human (Fatima).

One of Fatima's first responses to detention relate to her not 'fitting' the community's conception of a single Muslim woman; both the Australian community with whom she came into contact and the Muslim community within detention:

Normally I don't wear Islamic clothes. I don't cover in Iraq, I wear stretch jeans. They search[ed] my clothes and my bag in the Brisbane airport they think I cheat them, I bring these clothes. They ask me 'is this your own clothes'? They said, these are European women's clothes ... They think all Arabic women must be covered and in the detention centre its another problem with my community.

Fatima soon learnt that according to Australian stereotypes, "Muslim women did not wear Western-style clothes". From her first encounter with the host community, she faced what would be an on-going denial of her identity which was compounded by the reaction from other less Westernised, rural Muslims in detention who saw her dress-sense as provocative. Her life in Iraq was characteristic of the life of a young, single, wealthy, female student. During the interview, she showed other photos of female friends with whom she smoked, worked, and socialised. However, her family had close links with opposition groups in Iraq and due to this her father had been killed by the regime. When the military took possession of the family home she fled to Jordan and then proceeded to arrange to enter Australia illegally, like many other people from her country. She acknowledges that, "*It's a bad way. I know I broke the rules but I don't have another choice. I must live or I will die, that's all that I have.*"

Fatima recounted her treacherous journey that began when she escaped Iraq illegally. As she tells it, she faced death if caught at the border between Iraq and

22 This is itself indicative of the fear people have, even after being released from immigration detention.

23 Department of Immigration and Multicultural Affairs, *Detention Report* (1998). The other nationalities are Chinese, Algerian and Afghan. A large proportion of people in detention are single men or the male head of a household. This is largely due to the belief held by refugees that if the family fund the often dangerous trip to a safe country, on receiving resident status, the man will then sponsor other family members to Australia or work to support them. Note 19 *supra*.

Jordan, because her escape would have been brought to the attention of the authorities. She was then smuggled through China and New Zealand but did not plan to come to Australia:

If you have a problem you can't think anymore you just want to escape from the problem. If you have a dangerous life you just want to have a [safe] life, you just want to escape.

Fatima had a perception of detention that contrasted sharply with the reality, which she found "very hard, so hard". Identifying herself as a refugee, but finding herself labelled as a 'detainee' led to internal conflict and distress. This was compounded by the fact that her arrival in Australia she thought, was to be the end of her flight:

[In Australia] everything will be all right, all my problems will be over... safety, not in [a] dangerous [situation] anymore. I would not have a dangerous life anymore. I could not think it would be this way.

This statement is indicative of the pre-conceptions asylum seekers have as to what 'Australia' will give them. Being a detainee defined Fatima in a different way, it criminalised her:

[D]etention for me it has one meaning – it's jail. Detention means jail. You know the words put something inside your soul, that word means something. Camp is different than detention. A detainee is different than refugee. If they call you a refugee it means you are not a criminal. [To become a] detainee you make a mistake like a criminal and they put you in detention.

This mirrors Moussa's reaction. Moussa described his first day in detention as "the worst day of (my) life". It started at the airport where his bags were closely checked. In a strange country, locked in a small room at the airport he was threatened with being sent back and told that the staff from the plane had been called. Asylum seekers think arriving at the airport is the end of their journey, but instead they are confronted with denial, suspicion, and then detention. As Fatima described it, "*for refugees, everything ends for them when they arrive in Australia and ask to become a refugee. [There is no chance] to go to any [other] place, they must have the visa*".²⁴

After some time in detention, asylum seekers learn about the wider community's response to them. Fatima's first contact with the 'host community' occurred when a man walked outside the detention centre; "he was just walking beside the fence and he looked at us and said: 'fuck you, return back to your country. They must deport you to your country again'". This confirmed her belief that the host community largely saw detention as jail and viewed the asylum seekers within it as criminals.²⁵

24 Many people arriving to seek asylum destroy the false documents they have used to board the plane prior to arriving in Australia. As a result, they have no visa or passport and therefore the need for a visa is especially critical – for one it provides them with permanent status, and second they need it to go anywhere.

25 As one of few people from the host community entering the detention space, I experienced first-hand the opposite effect. In this case detained asylum seekers projected on to me their perceptions of Australia and Australians. This becomes the way they understand the space 'outside' of which they cannot see or conceive.

Asylum seekers are rendered powerless in detention. Fatima recalls her days with nothing to do but sit and think about what might happen tomorrow. She was not able to exercise basic choices about movement and friendships. This disempowering environment was intensely difficult with which to cope, as no safety net existed. "Because you are already in Australia but you don't feel you are Australian. At any time they [could] deport you again. ... [but yet] I must accept the situation." Abdul too, was resigned to an indefinite period of waiting passively. He believed:

[Y]ou have to wait your decision, you have to wait your fate, you couldn't do anything. You just have to wait ... I was suffering from nightmares all the time. Nightmares and horrible dreams.

Being 'caged' in detention, many people 'inside' see themselves as animals in the zoo being objectified by those 'outside'.²⁶ Fatima found "everything is offered inside the detention centre. Place to sleep, food to eat - but [we're] like animals. They also have food. We are humans - I want to work, I want to study, I want to feel I am like a human, I don't want just to eat and sleep". Amir also describes his treatment as that of an animal, because, as has been reported by other detained asylum seekers, he was labelled as one by an ACM officer. He says that one day, "when they bring the supper, one officer [said] don't be naughty like animal, he thinks we are animals. We didn't have any personality for ourselves, really they don't like us." So from both inside and outside the centre, these asylum seekers soon learn that they are unwelcome, and perceived to be a threat. Further they are reacted to as a homogenous group. Fatima described strong feelings of her time in detention, being in limbo between temporary and permanent status:

The first time in detention I am ashamed for everything. I am ashamed to wait in the queue beside the kitchen, I am ashamed they call me on the loudspeaker Sometimes I feel I am nothing, I lost everything. Already I lost everything in Iraq but I'm thinking all the time if they rejected me what happened with me, what am I going to do, what I want to do? I lost my past and I lost my future - this is the terrible thing... you waiting for one decision it's coming from one person [and] it changes your whole life and you don't know. It's very hard, it's just one word - reject or release.

This 'holding pattern' detainees are forced into can lead to anxiety expressed in a variety of ways. Many mentioned that everyone talks about the same thing:

[T]hey have just one subject they talk about - the decision. The Federal Court, the RRT (Refugee Review Tribunal), the case officer, the case, the story, that's all, they don't have a normal life, normal conversation, normal freedom, nothing. (Fatima).

The significance of this particular experience was demonstrated by the strong reactions participants expressed, even after many months of living in the community.

26 Furthermore, asylum seekers in detention have revealed to the author that ACM officers have told them they are like animals in the zoo, and that they will be treated as such.

For Amir the shame and failure he felt led him to think of suicide.²⁷ He decided:

[I had] a razor. ... I'm thinking just one time I try. I had to try, put the lines sometimes here (on my wrists). Maybe it is strange to you but it's the truth. When you don't have any choice. ... I was worried [for] my Mum. Better I stay here (even if it meant keeping) my body. ... I write a letter saying please don't send my body to Iran. Just it was my pleas to everyone keep my body here. It was my best, my big wish in detention. I thinking about my Mum because she has a lot of suffering in her life, she can't take it again, [to] see my body. ... this one ... it is a horrible matter.

Later during the interview, Amir revealed that he had always carried a small razor with him in detention should he be deported without any notice, something he believed had happened to other people.

All this time, detention was marked by the absence of friends and visitors. Fatima recalled that, "nobody is coming to ask about you, nobody one day calling you on the loudspeaker saying visit for you. Because already you don't have anybody, you are alone in this life." Some detainees fear that seclusion from the outside means they could be deported and no one would know, or care. Fatima remembers every day as "between die and life ... just waiting for a decision to make my own life ... in detention centres [no one has] another choice, [only] die or life". The powerlessness of his situation led Abdul to "hate [himself] ... by keeping me in detention, by dealing with me (without) any humanity ... I have to accept it – I have no other choice." An educated man, Abdul was particularly affected by being made subject to state power in detention, especially having fled from a regime which he described as oppressive.

Yet the refugees interviewed here also resisted, challenged and were active agents during their time in detention. One strategy Amir adopted because his case had remained undecided for so long, was to hunger strike. This meant he was able to resist a system he found unacceptable. His continuing refusal to eat also showed that he would rather risk death than return to his country. The others also found ways reassert control over their lives. During the interview, Moussa explained that the two years in detention had made him independent, improved his 'character', and uncovered important things about himself. Moussa explains:

I lost everything, [I] don't have anything to lose [any] more so that made me stronger. I feel tired, sick, but that made me strong to fight with immigration. [I] don't care, [I] have nothing to lose. [Without] hope [you] can do anything – [my] philosophy for survival – if you feel you are going to die and lose everything.

Consequently, his strategy to survive was to learn and to remain strong. Even after being granted a visa, the experience of detention lives with the detainee. Fatima found herself still defined by detention. Most of her friends came from detention and, as she tried to make new friends, and explain her past few months, she felt detention had marked her. The criminalising aspect of detention did not

27 It is important to note that shame and failure are reactions expressed by many other migrants coming to Australia, particularly when faced with 'welcomes' like a two year wait for social security, and lack of understanding within the wider community about their experiences.

leave her as she worried that the word 'detainee' would be associated with something 'wrong'. For Amir the result of being in detention was that he had no friends when released. He also felt that people did not understand him as he found out "we didn't have [a] good identity, they think we are not people". The constant surveillance that operates in detention exhausted Abdul and, after being released from detention, he was shocked by the realisation that he had not seen 'outside' for many months.

After release, participants were plagued by confusion over their new identity as refugees, while still coming to terms with the labels of 'detainee', 'asylum seeker' and 'illegal immigrant' to name but a few. Fatima says she "would be lying if [I said] ... I am now Australian, it's not coming just like this, in one time ... (however) now ... this is my country forever." She plans to apply for Australian citizenship as soon as she is eligible, for this, she thinks, will confirm her identity as an Australian. According to Fatima, Australian citizenship also conveys safety, for if something happened to her the Australian Government would now protect her as she is "Australian one hundred percent". Nevertheless, Fatima still sees a place for Iraq in her conception of identity:

the place you grow up ... [with] your parents and your family and your brothers and sisters ... I lost everything inside Iraq ... I don't have anything else inside Iraq [so] now it means nothing for me, I must start a new life I make a new future and I try to forget everything bad that has happened in the past.

A. "I hate Australia in detention because they make many problems."²⁸

Moussa was not an Iraqi national, but came to Australia from Iraq. Like many people who have been in detention, he chose not to reveal significant details about his story, out of concern 'they' might identify him. This indicates the fear that persists long after detention. When the persecution persisted, Moussa had no choice but to leave Iraq for another country, where he worked for around seven months to afford the false Australian passport which enabled his passage to Australia. Moussa viewed Australia "as a good country which treated people good". He believed his refugee claim was strong and "never expected detention to be like a jail. Other countries leave people free and Australia puts us in a fence."

Having to go through a refugee determination process and meet prescribed definitions is extremely difficult for people whose subjective belief is simply that they are refugees. Moussa was troubled by what he viewed as the denial of his identity. While the decision-makers accepted his story, he could not understand why he was then refused a visa three weeks later. Spending eleven months in a confined part of an IDC, Moussa lodged several letters to the Minister for Immigration and participated in a hunger strike. He said this time:

28 As has been mentioned earlier, being in detention with no attachment to the outside world, means that 'Australia' becomes an overwhelming signifier and has no particular meaning in relation to gender, class or politics. The comments presented here should be read in this context.

made me feel very bad, [they] play mind games, [they] ignore me for more than five months, no letters from immigration. I hate Australia in detention because they make many problems. I even wanted to be deported to any country except Iraq. (My) hair went grey, I feel very bad, lost my hope. Every day ... scared of being deported until ... (I) got release from Minister – after that everything changed.

His comments reveal how in detention people respond to their own creation of 'immigration' and 'Australia' which they think is ignoring them and acting against them. The distress Moussa displayed when recounting his experience was significant, especially when realising that he had spent two whole years in detention. This 'wasted time' made him eager to start a new life after detention. In his own words:

[W]hen they give me visa I start a new life. I had no identity before ...[now I] can improve my identity and start a new life ... Citizenship ... means someone can support (me), (I) had to support myself before ...[it's the] first time in my life (I have rights), I have to fight, fix myself, it is wonderful.

His life since detention has been one of great agency and action, he attends school, leaving the "hard things ... behind, us(ing) experience (from detention) and put it in front of my eyes". He now conceives of Australia as a free country where anyone, including himself, could write to someone like the Minister. He knows that in Iraq one cannot do this, in fact there you "have no right to complain or criticise".

B. "Detention is stress. Detention is still with me."

Abdul stayed for more than five months in an IDC after escaping his country with a false passport. Because "this country accept me as a refugee and I can start a new life. ... I find Australia is the best (choice) for me and my family, for many reasons."

Like Fatima, he had heard about detention, but believed it was only to determine his identity and would last no longer than a few weeks. Instead, for five months he did not "know which is the surroundings, the only thing I know is that it is a place in the airport ... what is this place". An educated man who spoke English well, Abdul was stereotyped as an Arab aggressor. At the airport, the officer:

make like he thought I was a criminal in transit. I told him why you panic me. You look like Saddam Hussein he say, who will take my tie and hang me ... ha ha ha, he say. I came to Australia seeking refuge, I am asking for protection visa why this happening. ... I was crying, I was upset, I was sad.

Being identified as the leader from the country he had escaped was distressing for Abdul and highlights the insensitive treatment asylum seekers generally face. He then found himself denied of dignity in detention with:

no heating, even if we ask for a blanket we have to write this [request] on paper and wait ... When I was cleaning my clothes I was keeping myself inside the bathroom because I was warm and I was waiting maybe one hour, five hours, til my clothes was drying and I can wear it again.

Abdul could not practise his religion in detention. If prayer time occurred during a meal, when he later came to the kitchen to eat he would find his food in the rubbish. Abdul confronted the officer:

I am in detention centre I have no money, I have no people outside to bring food for me why you throw my food in the rubbish. He said: yes, because you are late five minutes ... Not for me only, for many Muslims they took all the food and throw it in the rubbish.

Just as Moussa referred to Australia as an entity, for Abdul the 'system' and 'immigration' became an overwhelming signifier which was fighting against him. He describes that this occurred in many different ways:

[B]y your food, they are fighting you by [their] policies, they are fighting you by [not] bring(ing) you clothes, they are fighting you in different ways. Even when you deal with them they are fighting you by their speech. We are feeling at that time we are worse than criminals.

He faced the denial of his identity as a well-educated professional by the detention officers who "deal with you very bad. ...[with] very bad manners ... It is worse than criminals ... they always try to be in conflict with (you), [finding] any reasons to put you inside isolation". What he describes, like Fatima, is being treated as part of a homogenous group of detainees. Complaining about this treatment meant speaking out, which he attributed with being isolated, and "you feel it was useless, so you keep quiet". This collective punishment made detainees feel like children because "if anybody did wrong they keep us inside. ... If anybody did wrong they will switch off the television like children". On being released he feels:

[R]eally strange, you feel that you were in another world. Outside [detention] is earth and you can settle together to live normally. You living, you know. I was suffe(ing), three nights, four night I couldn't sleep. I couldn't imagine where I was before and where I am now, it was so different. Even (though) I saw people on the TV in [reality it's a] different sight.

Abdul says he has been changed by the experience of fighting for his life in Iraq and then fighting for survival in detention. Having felt stripped of his identity he now needs "... time to recover, to be human again, this is a mixture of feelings", and includes facing what he terms "a new traumatic stress disorder, a different one ... detention destroys the person mentally".

Being detained by the very authorities he had hoped would protect him has resulted in Abdul hating DIMA and things associated with it like its buildings and officers. This is because he blames them for the injury of detention which he fears may continue for a long time. He says:

I hate this word, I feel scared – I hate immigration. If you say immigration like a voice in my head takes me back... takes me again to the suffering. Detention centre is related to immigration.

Abdul received medical treatment in detention for problems such as a rapid heart beat, sleeplessness and the loss of appetite, symptoms that many detainees suffer, often persisting long after detention. Living on tablets makes him feel

handicapped, and he asks, "What is the benefit from the visa if I return from detention handicapped?"²⁹

But receiving his protection visa is not the end of the story. Separated from his family, Abdul must try to sponsor them here. Unable to afford the airfares he feels "they (immigration) are following me by my family", by expecting him to pay the thousands of dollars needed for airfares. The criminalising aspect of detention remains, as he says that immigration "connect(s) me to a criminal man. So you feel they (are) still following you. I feel the immigration officers don't like us, the refugees – they don't care". Abdul spoke at length about his desperation to get his family to Australia and to find organisations where he could borrow money to pay for the airfares. He says, "Everybody told me wait, everybody told me they don't know ... I don't know the future, what will happen":

Things (keep) coming in to my mind, but still I do something else. Sometimes I am successful, sometimes not.

Amir worked for many years in a government office in Iran. After the revolution "everything was changed to Islamic principles", which presented difficulties for him as a convert to Christianity. His escape:

was very quick happen and to escape I [had to] arrange with someone, because I did not have my passport. I escaped by boat ... it was very hard ... I just happened (to come to Australia). ... I arrange to go to Canada but suddenly everything changed because they (the smugglers) took my money and threatened to kill me and the other people.

He set out for Australia with no knowledge about it, except that he was going to a big city called Sydney. Amir knew nothing about detention, and like other respondents, went into great shock on arrival. Amir says:

I was in big shock and I was in shock when I arrived here. Just I told them in the airport, I am a refugee ...when I came here I see the detention centre (and) because (before) I was in prison, just when I see the fence, maybe that time I wake up. I say again I am going to prison.

For Amir prison was something he had seen in American movies and experienced himself in Iran, but after "a short time, maybe two days, after I felt this is not a prison, the people are not criminals ... I could not speak English, that was the problem." What Amir describes is trying to fit the shocking, prison-like environment of detention with the reality of it being filled with people who, like himself, were not criminals. This challenged him greatly, but he concluded that "if they keep you between any wall – in detention, in your home or anywhere, it can be prison. Even if they [don't] call this a prison, I don't know, still it was a prison for me, really".

Lack of useful activities to engage in is a significant problem in detention. Having nothing to do all day made Amir "think too much...sometimes really...

29 The Human Rights and Equal Opportunity Commission ("HREOC") also investigated the response from medical staff in detention centres to complaints by detainees about their health and found that "detainees have a perception that they are not receiving adequate health care" and that "mental distress in varying degrees is a common manifestation in detained asylum seekers". Human Rights and Equal Opportunity Commission, *Those who've come across the seas: Detention of unauthorised arrivals* AGPS (1998), pp 166-173.

going crazy, I want to cry all the time". In the confines of detention Amir said "just you have to go thinking. ... It is very very hard to read ... When you have a mental problem your mind [focuses on] your case". There seemed to be no point in reading or trying to learn English when you might be deported. Like Moussa, the denial of his story was difficult for Amir, who felt that immigration would prefer him to lie rather than tell the truth.

Having been in detention for a long time, other detainees asked Amir questions about the 'rules' of detention. He found it:

[G]ood when somebody (is) talking about their problem, because even for a short time maybe you forget your problem and you thinking about his problem ... and how you can help him. ... it was good because when you can help people this is (a) nice feeling.

As he spent such a significant period of time in detention, Amir saw the rules change often. He felt keeping people there for a long time would result in making people 'mental people', he says he got:

mental trouble, it drove me crazy sometimes ... Some of them (detention officers) they wanted to make you crazy, they making the problem between you and your friend ... they change some rules ... this is a big problem.

During our interview, six months after his release, Amir recalled that he can remember everything about detention, but adds that he is 'ok now'. He has characterised detention as a part of his life, a part about which he does not think too much. This is because if he was thinking about it, "I will be upset, because a lot of things happen to me. That's right, I will be very upset. I don't have a lot of good memories." Amir finds it difficult to be alone, wanting to avoid thinking about memories of detention and his flight from Iran. This is not always successful. For instance recently he attended a local club and someone was paged over the public address system. For Amir this reminded him of detention, where names were called over a loudspeaker, and he wanted to leave the club straight away. Another time when he went to visit a friend in detention, he went to the reception and his knees started to shake. For Amir this was:

not just about detention, [it was] about everything, about my past life, about everything. It came to me again, every memory ... I just remember everything ... When I want to give them (detention officers) my key or my passport I (was) shaking my hands. When I wanted to sign my name as a visitor I write like this [shaking].

He too experiences a kind of survivor guilt at being released and not having enough to help other asylum seekers. But he feels this country tries to "keep you down, even when you want to study. Because they think you are refugee, you are nothing". Indeed, he believes the wider community does not have a positive understanding of what a refugee is. Like all the people interviewed, Amir saw his life post-detention as a new one for which he could, and had to, make plans for what he hopes will be "just a life, just a life, easy life, not too hard. I have to do something, working to save my money ... this is my dream". At the time of being interviewed most of the participants were completing English classes and had not yet embarked on the difficult journey of finding employment, or made the discovery that their overseas qualifications may not be recognised. However,

as Amir settles in Australia he often returns to all these memories of his refugee experience: flight, exile and, detention.

III. CONCLUSION

It can be difficult to believe that asylum seekers experience these kinds of reactions and emotions in Australia. When we consider the large number of asylum seekers in detention who are later recognised as refugees, we must also be concerned about the impact of detention on asylum seekers. They are treated as:

[P]risoners in a foreign country (who) feel helpless and confused. They come with high hopes of redemption and these hopes are often dashed. The detention centres are more prison-like than refugee camps, so people are more isolated and marginalised. The capacity to network and engage with the community is extremely limited.³⁰

The environment of detention tends to have an institutionalising impact on refugees and, as the interviews conducted for this paper show, responses to detention can include those identified by Becker and Silove such as depression, anxiety, sadness, lack of energy and disinterest.³¹ The asylum seekers interviewed believed that on arriving in Australia they would find a permanent solution to their situation. Being kept waiting for a decision on one's asylum application prolongs this state of not knowing and asylum seekers become depressed, bored and increasingly aware of their powerlessness. As has been shown in the narratives, being 'greeted' with detention by the state has long-term adverse consequences for potential refugees. Being perceived as a 'problem' or 'threat' changes refugees' relationship with the host society.

The refugees interviewed felt that they were being criminalised, which further isolated them from the wider community. Media representations of refugees ensure that they are released into a society where there is a great fear of 'strangers'; particularly refugees, who are different culturally.³² They have to face this prejudice and discrimination as they attempt to settle in a new society.

Is this the way we should be treating asylum seekers? The evidence presented here clearly suggests otherwise. While states today may struggle to balance universal human rights and the national consideration of sovereignty we cannot simply ignore the observance of human rights standards to the extent that Australia can do anything it wants – tighten its borders, punish unauthorised arrivals and limit the number of asylum seekers for whom it becomes responsible.³³ States need to come to terms with the reality that the characteristics of and manner by which people seek refuge has changed. We

30 R Becker & D Silove, "The Psychological and Psychological Effects of Prolonged Detention", in M Crock (ed), note 10 *supra*, p 81.

31 *Ibid.*

32 In recent media reports the Minister for Immigration, Philip Ruddock, has encouraged representations of asylum seekers in detention as 'queue jumpers' who are cheating the system, taking the place of 'genuine' refugees (for example, interview with Richard Glover on ABC Radio 2BL, 9 June 2000).

33 Note 10 *supra*, p 92.

must also continue to look at the root causes of refugee out-flows and provide long-term development assistance.³⁴

What has been uncovered in this study are the power relations within immigration detention and the adverse affect this has on asylum seekers' understandings of self and their long-term settlement experience. Detaining an asylum seeker criminalises a person whose only 'crime' is fleeing persecution by whatever means they have available to them. The imposed label of 'illegal immigrant' or 'queue jumper' questions the legitimacy and credibility of an asylum seeker and creates great feelings of shame and, as was revealed through interviews with formerly detained refugees, of failure. Initially, asylum seekers experience great shock at the reality of their situation in detention, and they then face additional pain as they discover that they are not welcome in this new society. The environment of detention does not foster the individual, instead all detainees are labelled and treated as a homogenous group by officials they encounter who may also subject them to primarily negative, western stereotypes of their ethnic group. All of this compounds the denial of a refugees' identity, which occurs within a prison-like institution; a situation which can only be described as disempowering. Being denied the safety and security they seek causes much anger which can only be directed at the state and its system. When we treat people in this manner it is little wonder that they respond with anger and despair. It is time that we consider the alternatives to detention that have been developed by a number of non-government organisations³⁵ and start to respond to asylum seekers in a more compassionate and humane way. Finally, the voices made loud in this work, and no doubt echoed in IDCs around Australia, call for a wider recognition of the effects of detention on their identity and a better understanding of the impact of detention on their long-term settlement in Australia.

34 Instead in the 2000-2001 Federal Budget provisions for two new detention centres were announced.

35 See, for example, the Alternative Detention Model, a copy of which can be found at <<http://www.refugeecouncil.org.au>>, also the European Council for Refugees and Exiles, *Research Paper on Alternatives to Detention* (1997).