

Australian government seeks to ban phones in immigration detention

By Martin Scott
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In the latest brutal assault on immigrants and refugees, the Australian Senate is set to vote early next month on a bill that will further expand the powers of authorities to search asylum-seekers and others held in detention centres, and confiscate their possessions including mobile phones.

If passed, the amended Migration Act will grant the home affairs minister the power to declare any item a “prohibited thing” and allow strip searches and the use of sniffer dogs.

These searches, which can be carried out by “authorised officers and officers’ assistants,” will not require a warrant, or even any suspicion that any “prohibited thing” will be found.

The new laws will allow the home affairs minister to prohibit items according to extremely broad criteria:

Possession of the thing is prohibited by law in a place or places in Australia, or possession or use of the thing in an immigration detention facility *might* be a risk to the health, safety or security of persons in the facility, or to the order of the facility.
[Emphasis added]

Specifically listed in the bill as examples are mobile phones, SIM cards, computers, and any electronic devices that can connect to the internet.

The claim that the new laws will protect the health and safety of detainees is exposed as utterly false by the response of immigration authorities to the COVID-19 pandemic.

In April, Australian Human Rights Commissioner Edward Santow called for the “urgent” and “immediate” release of immigration detainees, yet refugees continue to be held in cramped conditions, as many as six to a room,

with no possibility of social distancing.

Detention centre personnel are rotated between facilities, increasing the risk of infection. When a guard working for Serco, a private contractor which operates many of Australia’s detention centres, tested positive for COVID-19 in March, none of the inmates at the Brisbane Kangaroo Point facility where he had last worked were tested.

In August, the Federal Court ordered the release of a 68-year-old man from the Melbourne Immigration Transit Accommodation centre due to his high risk of contracting the coronavirus. Rather than being released into the care of family, who are Australian citizens, he was transferred to another detention centre.

Four refugees at the Brisbane Immigration Transit Accommodation (BITA) facility began a hunger strike in August after one of the detainees, Adnan, was moved to the high-security section of the compound. According to Farhad Rahmati, a striking refugee, Adnan had been transferred after complaining to a Serco manager that kitchen and medical staff at the detention centre were not wearing masks or social distancing.

In a video posted online, and presumably shot with a mobile phone, Rahmati said: “Adnan was sent to Nauru when he was only 15 and now he’s 22 and still in detention. So my demand is just bring him back, because he’s not a criminal. A higher-security compound is not where you are supposed to keep asylum seekers and refugees. So my next meal will be with him here in residential.”

Rahmati himself had been transferred to BITA from the Kangaroo Point facility in June after a series of protests involving detainees and supporters.

Speaking to ABC Radio, Rahmati said: “I was told that ‘because the protesters yesterday mentioned your name, we [Australian Border Force] have been instructed to take you back.’”

These incidents make clear that the real reason for the mobile phone ban is to hide the conditions inside detention facilities and prevent detainees from interacting with the public, among whom there is already broad support for refugees and widespread opposition to the attacks on immigrants.

The COVID-19 pandemic has also heightened the importance of mobile phones in allowing detainees to communicate with friends and family, with all personal visits suspended since March 24.

In the first seven months of this year, there were 423 self-harm incidents in Australian immigration detention centres, around 8 per month more than the average annual figure between 2016 and 2019. There were 80 incidents of self-harm at the Perth Immigration Detention Centre, compared to an annual average of 52.5. BITA recorded 61 incidents in the first seven months of 2020, 6 more than the annual average.

Even outside of a pandemic, access to mobile phones and the internet is often the only source of human connection for refugees subjected to punitive and isolating detention for an average of 525 days.

Many are detained for years on end. The *Guardian* reported Tuesday that a Sri Lankan man has been held for more than 11 years after fleeing brutal persecution in his home country.

The man was sentenced to five years in jail because the fishing boat he shared with 31 others on his journey to Australia was registered in his name. Although his conviction was overturned and all charges were withdrawn more than eight years ago, the man has not been released.

The man's visa application was denied on the basis that he had "previously engaged in criminal or other serious conduct." This is indicative of the extremely low bar of "criminality" applied to immigrants. The government has fraudulently claimed that the new laws are necessary because many detainees have "criminal histories."

According to Regina Jeffries of the University of New South Wales' Kaldor Centre for International Refugee Law, mobile phones and internet access are also a vital tool for asylum seekers to communicate with legal advocates and comply with the government's "extremely tight timeframes" for submitting applications and supporting documents.

Jeffries stated: "It's actually quite difficult for people to use the inadequate facilities that the detention centres currently provide, which are tightly controlled, and don't necessarily give them the ability to facilitate the handling

of their case."

This is not the first time the Australian government has tried to prevent immigration detainees from using mobile phones.

In November 2016, Australian Border Force (ABF) adopted a policy extending the ban on mobile phone possession and use by refugees who had arrived by boat to all those held in immigration detention. Lawyers acting on behalf of 80 detainees challenged the move in the Federal Court, and a temporary injunction was granted in February 2017. The court ruled in June 2018 that the phone ban was not allowable under the Migration Act. In September 2017, a bill very similar to the one currently before the Senate was introduced but not passed.

While Labor and the Greens voted against the current bill in the House of Representatives, and have indicated they will do the same in the Senate, they do this in the knowledge that the fate of the bill will rest in the hands of the cross bench.

The reality is that the persecution of so-called "illegal" immigrants has been spearheaded by the Labor Party for decades. In 1992 the Keating Labor government introduced mandatory detention for all refugees arriving by boat, in a frontal assault on the right to asylum, protected under international law. This set a global precedent for attacks on refugees.

In 2011, the Greens-backed Gillard Labor government reopened offshore detention centres among a raft of other measures aimed at preventing refugees from seeking asylum. This went hand in hand with an escalation of Australian involvement in predatory imperialist wars and military preparations, spearheaded by the United States, that have displaced millions over the past two decades.

As nationalist and pro-capitalist organisations, Labor, the Greens and the trade unions defend the whole framework of "border protection," that underlies the decades-long assault on those fleeing war and oppression.

The experiences of the pandemic have further underscored the need for workers to come to the defence of refugees, as part of the fight for the social and democratic rights of the working class as a whole.

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