

Briefing on Clause 28 of the Nationality and Borders Bill on offshore detention

Clause 28 of The Nationality and Borders Bill opens the door for offshore detention; by permitting the removal of asylum seekers from the UK while their claim is determined, or while the UK decides whether to take responsibility for the claim. It should be deleted.

This would seek to emulate the horrific Australian system as a model and it has [been reported](#) that the Home Office is in talks with Denmark to share the cost of an offshore detention centre in Rwanda. In 2015 a [United Nations Report](#) found the Australia's offshore detention regime to be systematically violating the international Convention Against Torture. Additionally in 2020 the [International Criminal Court's prosecutor](#) found it to be "cruel, inhuman or degrading treatment" unlawful under international law.

The Government's plans to emulate, on an even wider scale, a failed system that has been widely condemned for its human rights abuses is deeply concerning.

Australia: Looking to a failed model

In 1992 the Australian government introduced mandatory indefinite detention for asylum seekers who arrive by boat (a policy which remains in place). In 2001 it introduced the 'Pacific solution' whereby boats were intercepted by the navy and taken to processing centres on Manus or Nauru. This practice was ended in 2008 by a Labor government that branded it an 'abject policy failure', only to reintroduce offshore detention in the early 2010s. Approximately 4,180 people were transferred offshore between 2012 and 2014, at which point the transfers stopped.

Conditions and events inside the centres were highly secretive with journalists and legal representatives generally banned from entering. This created the conditions for systemic abuse of asylum seekers by those running the facilities. In 2016 [the Guardian released records](#) of over 2,000 'incident reports' from Nauru – known as 'the Nauru files' – which document widespread abuse and neglect in offshore detention, including systematic physical and sexual assault on children and adults, use of blackmail by guards, and attacks and harassment by people on Nauru or Manus island. At least 12 people are [reported](#) to have died in the camps with causes of death including medical neglect, suicide and murder by centre guards.

Aside from the immeasurable human cost, this is a failed system that has been dismantled by its own architects. A [recent research report](#) by the Kaldor Centre finds that there is no evidence that the policy achieved its stated aim of 'stopping the boats' and that since 2014 the government has been trying to distance itself from the policy (they find that boat arrivals fell as a result of maritime pushbacks). Thanks to the powerful stories of people affected, it has been increasingly rejected by the Australian public. It has cost billions. On whatever metric you use the policy has failed disastrously.

Impact of offshore detention on mental health

Conditions in offshore detention centres have been inhumane and unfit for human habitation. The mental and physical health impact of offshore detention has been colossal. In 2014, the Australian Human Rights Commission [found](#) that 34 per cent of children in detention suffered from mental health disorders of a seriousness that would require psychiatric referral if the children were in the Australian population, and Paediatricians reported that children transferred to Nauru were among the most traumatised they had ever seen. Medical experts working with UNHCR found rates of mental illness in offshore detention "[to be among the highest recorded in any surveyed population](#)"; and [Médicins Sans Frontières \(MSF\)](#) reported that suffering on Nauru was some of the worst it had ever encountered.

Financial cost

The financial cost of the Australian system is astronomical, and regularly more than \$1 billion per year. The Refugee Council of Australia compiled a detailed breakdown of offshoring costs and found that it has cost the Australian



government \$8.3 billion between 2014 and 2020. The annual cost, per person, of holding someone offshore in Nauru or PNG has been [estimated](#) to be \$3.4 million.

Personal stories of offshore detention

There are countless stories of the lives destroyed by the policy of offshore processing. [Loghman Sawari](#), whose story was covered by The Guardian, is still detained despite having been accepted by Australia as a refugee in 2014. Eight years after his initial detention, he told The Guardian that days have begun to run one into another, and his memory is failing

The [Maghames family](#) arrived in Australia by boat in 2013 and were detained on Christmas Island before being transferred to Nauru in March 2014. Hajar Meghames, along with her parents and younger brother, has been in detention ever since, despite being granted refugee status in 2019. In 2020 they were transferred to Australia so her father could receive medical care and are now in cabins at the back of Darwin airport. They are now the only people held there.

[Reza Barati](#), who also fled Iran, is one of the 18 people to have died in offshore detention (or in Australia, following medical evacuation). He was beaten to death by guards and other workers at Manus Island after a protest turned violent and the centre was attacked. He died four days after his 24th birthday. His family are suing the Australian government and G4S for negligence. During the same incident over 2 days in February 2014, 70 refugees and asylum seekers were injured. One lost his right eye, another was shot in the buttocks. One man was attacked from behind by a G4S guard who slashed his neck, causing a 10-12 cm horizontal slit across his throat.

There have been many others, including the high profile cases of author Behrouz Boochani, or the [Tamil family from Biloela](#), whose harrowing stories have ultimately helped to turn public opinion against the policy.

