

Submission from Refugee Action Network Newcastle (RANN) re - Migration Amendment (Strengthening the character test and other provisions) Bill 2011

14 May 2011

Dear Senators,

RANN consists of a variety of Newcastle citizens drawn together in their belief that Australia should uphold its ethical obligations to care for asylum seekers. These obligations are also reflected in the many international charters Australia is a signatory to.

We view this Bill as an attempt to penalize traumatized and vulnerable people who have been driven to protest in despair at the arbitrary and indefinite nature of their imprisonment. It's Explanatory Memorandum's states the intention it so the government can be seen to be sending a "stern message" and a "disincentive" regarding "criminal behavior" by detainees. By declaring that protest is criminal, the Bill seeks to score political points. It is not concerned with justice.

We use the word 'imprisonment' in place of 'immigration detention' because the treatment of both inmates and their visitors (if they are allowed to visit) is the same, or worse, than that of a prison.

Asylum seekers who arrive by boat are the prime target of this Bill. This is because they are the ones who are imprisoned. In contrast visa over stayers who arrive by air (many of them tourists) are not imprisoned

Their imprisonment is indefinite. When RANN representatives visited asylum seekers who had arrived by boat, none of them had any idea of how long they would be imprisoned for. They were fearful they would be returned to face torture or death in their country of origin.

We ask, how would Senators feel if they were imprisoned without charge, or trial, or even without any reason being given? How would they feel if they had no idea how long for, or what the outcome would be? Then, add in a history of the terror that drove one to flee, the anxiety and despair about family, friends, communities destroyed or left behind. Add in the feeling of hopes dashed and promises betrayed by a country that allegedly signed the UN Declaration regarding refugees. You would agree it is not a pleasant thought experiment.

The penalties suggested by this Bill are, in essence, essentially Life Imprisonment, or Death.

Life Imprisonment because by refusing to grant the very thing (a visa) the person has been driven by sheer desperation to protest for, means the person will be imprisoned for life.

Death, because if the refusal is then used to return people to their country of origin, then the person is sentenced to death.

Will the Bill be used on children, their mothers, and their families as well?

Seeking to make it retrospective also reveals the Minister's desire to revenge himself his loss of face as a consequence of increasing and escalating asylum seeker protests at Christmas Island and Villawood. It could be used at any time without reason on people who have been eventually granted their visa, even if that was during the Howard era. It permits the Minister to wield power unjustly.

The desperation of asylum seekers and additional trauma of unjust imprisonment will only be exacerbated by the threatening and punitive nature of this Bill. Imprisoning already traumatized people who are already imprisoned indefinitely is a redundant notion for a start, and its further pressure will not deter people from protesting their unjust detention, from self-harming or committing suicide. It is futile. When people are made desperate, they act desperately. This Bill does not address the causes of the protests it attempts to stifle.

RANN recommends the Bill be rejected in its entirety.

Yours truly,

Dr. Niko Leka

Convenor,

RANN