

SUBMISSION TO THE SENATE INQUIRY INTO THE ADMINISTRATION
AND OPERATION OF THE MIGRATION ACT 1958.

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- A) I have been visiting Villawood weekly for nearly three years and have been dismayed by the operation of the Act. It has produced a tangled web of legal barriers every bit as impenetrable as the razor-wire fences which surround the camp. Possibly the provision of more and diverse types of visas was well-meant, but the result has been that few people, apart from specialist immigration lawyers, understand the system nor how to apply it in particular cases. Few detainees succeed in acquiring legal representation, and without it are sure to fail the legal challenge. I suggest that the whole system needs to be radically simplified, with the objective of making the rules clear, so that people do not spend such a long time languishing between courts, appeals and decisions. The majority of detainees have limited knowledge of English, and some of the English used defeats even a well-educated English-born speaker of the language. Both asylum seekers and visa-overstayers flounder helplessly. Many of the visa-overstayers to my knowledge have found themselves in detention as a result not of any illegal act but of simply overlooking legal requirements of which they were but dimly aware. No-one seems to benefit from the Minister's discretion to "respond with care and compassion" despite "the length of time the person has been present in Australia" (Guidelines for the identification of unique or exceptional cases where it may be in the public interest to substitute a more favourable decision under s345, 351, 391, 417, 454 of the Migration Act 1958, section 4.2.1). And the newly-announced Removal Pending Bridging Visa cannot even be applied for. "How," I was asked by a hopeful detainee, "can she even know of my existence?" How indeed.
- C) Healthcare provision in Villawood is grudgingly granted. Visitors are not permitted to help by supplying detainees with over-the-counter medication, such as sinus tablets. V [REDACTED], for example, asked for cough mixture for her then two year old daughter, which was refused, and a visitor was then refused permission to give her a bottle of infant cough mixture. Many, if not most, of the detainees suffer at times from depression and there is very little professional help for them. It is hard to know how long the effects of long imprisonment will persist after their release; probably it will vary from person to person. These men and women are not criminals under punishment.

D) Global Solutions run a prison camp and whilst there do exist humane guards there are, equally, some who seem to get their kicks from low-level psychological abuse of the people in their care.

E) When you think of the billions of dollars the government spends on construction and staffing of all these detention camps, not only in Australia but on Nauru and Manus Island, there are good economic arguments, it seems to me, as well as humanitarian ones, for closing them all down and replacing the system with one in which the inmates are permitted to live and work (and pay taxes!) in the community, checking in from time to time with the Department as required. This is what happens in Europe, I understand.

Mary J de Merindol. 29th July 2005