

To the Committee Secretary, Senate Legal and Constitutional Committee  
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Submission to Senate Legal and Constitutional Committee: Immigration Visa  
applications.

Terms of Reference :

Particularly in relation to the processing and assessment of visa applications,  
migration detention and the deportation of people from Australia.  
The activities and involvement of the Dept of Foreign Affairs and other  
government agencies surrounding the deportation of people from Australia.  
The adequacy of healthcare, including mental healthcare and other services and  
assistance provided to people in immigration detention.  
The outsourcing of management and service provision at immigration detention  
centres and any related matters.

1. From my experience of visiting asylum seekers in Baxter, usually once per  
week, since Baxter opened, my strong belief is:

a.. Processing and assessment of asylum seeker Visa applications has been  
haphazard, inconsistent and unfair. The asylum seekers maintain that it depends  
on the person doing the assessment and other unknown factors. For example a  
group arriving by boat from the same country with the same experience have  
widely varying results. Brothers have different results. A particular assessing  
DIMIA officer consistently fails asylum seekers. Failure reasons do not seem  
logical.

b.. Individual Refugee Review Tribunal members were given too much power,  
virtually a licence to kill, without a review of that decision being provided.

c.. Some asylum seekers say that the initial interview was poorly done with  
whoever was on hand as translator. In some cases the interpreter was from a  
traditional enemy group who did not know their dialect or customs. If later  
interviews revealed differences or new information, the asylum seeker would be  
accused of lying without allowance being made for the very difficult  
circumstances.

2. Some asylum seekers I knew in Baxter were forcibly returned to the country  
they had escaped from. I believe they were in serious danger of harm,  
imprisonment, torture or death. In some cases they had to escape again to  
another country such as Pakistan where life was hard and dangerous. I know that  
some were imprisoned on return to Iran.

3. Over years I observed all the asylum seekers I knew deteriorating physically  
and mentally. Deep depression and sleeplessness were very common. The  
environment was the basic cause and asylum seekers were unanimous that medical  
help was inconsistent and not sufficient. If they were hospitalised the control  
of visiting was draconian. The wife of one asylum seeker drove from Adelaide to  
visit her husband in Baxter but he had been hospitalised in Port Augusta. She  
was not allowed to visit him in hospital because she hadn't applied three days  
before!! That was typical of the illogical, stupid and dehumanising "rules" that  
GSL, the outsourced services manager operated by.

4. Many asylum seekers say they were assaulted by officers and there are  
numerous accounts of mass assaults on male detainees by up to thirty guards in  
riot gear. The initial reasons for the assaults inevitably seemed minor. To my  
knowledge at least one officer was convicted for assault on a detainee (and  
still remained an officer). In reality there could be many more successful cases  
I believe if video tapes were made available from ACM/ GSL.

5. I believe that John Howard, Philip Ruddock and Amanda Vanstone should be held accountable for the physical and mental cruelty inflicted on innocent asylum seekers. They should be charged at least with "criminal neglect" which has been successfully prosecuted in South Australia.

One DIMIA detention manager who should be investigated for criminal activity is

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~~\_\_\_\_\_~~ There are an overwhelming number of accounts of his misinforming and failing to inform asylum seekers of their rights, falsely imprisoning some and colluding with a law officer to deny rights and unlawfully punish others.

Allan Nield, Whyalla Norrie SA