

Social Issues Executive  
Anglican Diocese Sydney  
c/o 1 King Street, Newtown 2042

## **RE: Inquiry into the administration and operation of the Migration Act 1958**

The Social Issues Executive of the Anglican Church, Sydney Diocese, welcomes the opportunity to respond in the public consultation by the Senate Legal and Constitutional References Committee into the administration and operation of the Migration Act 1958.

Over the past several years our concern for those who have sought asylum in Australia has increased. As church groups have extensive contact with people, we are in a prime position to identify and comment on the issues with which people are struggling. There are many members of the Sydney Anglican Diocese who regularly visit detainees at Villawood IDC and help support those who have been found to be genuine refugees once they are released into the community.

Our comments are set out below according to the terms of reference indicated by the Inquiry.

On 21 June 2005 the Senate referred the following matters to the References Committee:

**(a) the administration and operation of the *Migration Act 1958*, its regulations and guidelines by the Minister for Immigration and Multicultural and Indigenous Affairs and the Department of Immigration and Multicultural and Indigenous Affairs, with particular reference to the processing and assessment of visa applications, migration detention and the deportation of people from Australia;**

The length of time many are held in detention is unacceptable. Assessment procedures need to be changed. Several aspects have come to our attention as being matters of concern:

### **1.) Length of time in detention centres.**

While no one would question Australia's right to assess the genuineness of asylum claims of people who arrive in Australia, there is a world of difference between detaining someone for three weeks and detaining someone for three years.

The report by the Human Rights and Equal Opportunity Commission (HREOC), titled *A Last Resort?* found that our detention centres are not being used appropriately as a measure of last resort, for the shortest appropriate period of time, and subject to independent review.

## **2.) Mental health effects of prolonged detention.**

A combination of the loss of hope, feelings of helplessness, uncertainty about the future and anxiety for family members left behind contribute to the deteriorating mental health of long-term detainees. Dependence on medication to sleep and function is a common occurrence amongst long-term detainees.

A report into the mental health of asylum seekers in Villawood Detention Centre stated:

*“As the period of detention continues, life is increasingly punctuated by feelings of loss and grief arising from the release of compatriots who have been successful in their refugee claims or the forcible removal from Australia of those who have been unsuccessful. These stresses are combined with the ever-present anxiety about the well-being of family members left behind. Some may experience guilt for having left their family to secure their own survival and protection, for not yet being able to work and send money home to assist their family, and for not being able to sponsor them to the safety of Australia.”*  
(MJA 2001:175)

For many asylum seekers who arrive in an unauthorized manner, the journey to Australia is fraught with many dangers. They are traumatized by the persecution they are fleeing. They are further traumatized by the journey they make to our shores. They are then detained and have to make their way through a legal system they do not understand, in a language that is often quite foreign to them. Various DIMIA officers interview the asylum seekers – who may or may not be aware of cultural or ethnic sensitivities. In some cases, the translator used may have an ethnic or cultural conflict with the detainee – only heightening their anxiety.

## **3.) Issuing of TPV's.**

For asylum seekers who are recognized as genuine refugees, the issuing of Temporary Protection Visas is, in many respects, the exchanging of one kind anxiety for another. Yes, they are out of the detention environment, but the ongoing uncertainty, inability to assist family members in their country of origin and the real restrictions that many TPV holders face continue to place many refugees in a difficult and stressful position.

As such, we welcome initiatives by the Government to offer permanent protection to those who currently hold Temporary Protection Visas.

## **4.) Deportation to dangerous situations.**

The Edmund Rice Centre has compiled research on 40 cases where failed asylum seekers have been deported, to what they claim are dangerous situations. These cases raise serious questions about the processes employed when deportation is the outcome of an asylum claim.

In cases where an asylum claim is refused, deportation must happen as quickly as possible, after a well-resourced investigation by officers who are committed to truth,

fairness and compassion. Low morale in DIMIA due to under-resourcing will directly translate into immoral conditions for asylum seekers and their families.

### **5.) Detention as deterrent.**

The Government has been quite open about the fact that ‘detention’ has been a deterrent to stop people-smuggling. While people-smuggling is a terrible evil which should be stopped, it is clearly wrong to have used detainees as a means to this end. Punishing the innocent to deter the guilty is morally reprehensible.

### **(c) the adequacy of healthcare, including mental healthcare, and other services and assistance provided to people in immigration detention;**

While mental healthcare services could be improved, the main issue we have is with the role of prolonged detention on asylum seekers.

There is much evidence of the detrimental effects of prolonged detention on the mental health of detainees. As such, even with an improvement in mental health services, the cause, or at least the exacerbation, of mental health issues faced by detainees remains. Prolonged detention has been shown repeatedly to be damaging to the mental wellbeing of those being detained.

The detention environment is even more damaging given the stressful situations many asylum-seekers are fleeing.

To conclude, we believe that there are many improvements which need to be made to the current administration of the Migration Act – processing times need to be reduced such that prolonged detention (and all the attendant effects of prolonged detention upon mental and physical health) is not suffered by any who seek the protection of Australia; permanent protection should be offered to all those who are found to be owed protection by Australia. For too long we have seen the devastating effects of prolonged detention on vulnerable people, many of whom are eventually recognized to be in genuine need of our protection. It is morally unacceptable for the detention of innocent people to function as a pillar in the argument against people smuggling activities. Punishing the innocent to deter the guilty is morally corrupt. We would also like to add that we are heartened by the generosity, compassion and love of the many Australians who befriend, care for, encourage, support and advocate for asylum seekers and refugees in our communities.

Kindest regards,

Darren Mitchell  
Acting Chairman

For the Social Issues Executive  
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