

Submission to the Senate Legal and Constitutional References Committee's Inquiry into the administration and operation of the Migration Act 1958

This submission deals with matters pertaining to three sections of the inquiry: section (a) the administration and operation of the Migration Act 1958... with particular reference to the processing and assessment of visa applications [and] migration detention; section (c) the adequacy of healthcare, including mental healthcare, and other services and assistance provided to people in immigration detention; and, (e) any related matters.

Request that the names of the refugee family in question not be published:

I have prepared this submission as a friend of the family who has closely followed their experiences since December 2002. I have permission to tell their story here, but the wife/mother of the family has requested that their names be suppressed. She is concerned that publication of names may be a source of embarrassment for her son, struggling to establish something approaching a "normal" life at a Sydney school. I therefore nominate that the main body of the submission be treated as **CONFIDENTIAL**. This page and the summary page may be published, as they do not include names.

In this submission I quote (with their permission) two medical practitioners in their assessments of the various members of the family. These doctors have no objection to being identified by name and are, respectively: psychiatrist Dr Jon Jureidini, who is making his own submission to this inquiry, and GP Dr Simon J. Lockwood. Dr Lockwood is not making a submission himself, but has advised me that he would willingly appear before the Committee as a witness. He was the Chief Medical Officer of Woomera Hospital at the time the detention centre was operating and knew and treated many of the detainees, including the family in question. He is now in private practice in Roxby Downs and can be contacted as follows: phone (08) 8671 3231, fax: (08) 8671 2392.

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Summary

My submission is a brief account of what has happened to one family (parents and an only child) as a result of spending three years and two months in immigration detention in Australia. By means of this example, I hope to illustrate the cruelty of detention, the paucity of medical attention provided to immigration detainees (even to those in most extreme need), the ongoing human cost to the individual refugees involved, and the heartless zealotry displayed by the Department of Immigration in dealing with a case such as this over a protracted period of time.

Books would need to be written in order to describe everything that has happened to this family during those three years. Cumulative medical reports alone constitute literally thousands of pages, and “notifications” to child protection agencies are numerous. Drawing on just a few of the available sources, I hope to show the human tragedy that this case has become.

In December 2002 the family was one of four cases examined in some detail before the Human Rights and Equal Opportunities Commission (HREOC) National Inquiry into Children in Immigration Detention. The family is identified as Case D and, on 3rd December 2002, several hours of the Hearings were devoted to this one family. (Extracts from the Hearings quoted in this submission come from an edited transcript available on the Internet.) It is apparent that by this time (December 2002) numerous medical and other community workers in contact with the members of this family (and a number of ACM and DIMIA staff) were deeply concerned about their wellbeing. It was the unanimous verdict of mental health professionals that they could not be treated in the detention environment. Yet, instead of implementing the recommendations that this family needed to be released from detention (Woomera IDC) as a matter of extreme urgency, DIMIA chose, instead, to transfer the family to Baxter IDC, where they continued to deteriorate for a further 18 months.

The wilful deafness of DIMIA officials to the suffering and disintegration of this family was catalogued in harrowing and Kafkaesque detail during the HREOC Hearings. The flavour of the Department’s intransigence is manifest in the edited transcript, and even in the brief summary that appears in ‘A Last Resort?’, HREOC’s report following the Hearings. The relevant extract from this report is appended to this submission; Case Study 1 describes the family in question.

Many with first-hand knowledge of the family members would describe them as among the most damaged people to ever emerge from detention. The extent to which the detention experience changed each of them is especially apparent to those Australians who encountered them in the early days of their detention – that is, before their descent into hell. At the start of their detention, they were well-adjusted, outgoing individuals who functioned as a normal family. Post-detention, even after more than a year in the community, their family life is dysfunctional and the mental health of each of the individuals is poor. It is clear that this family has been adversely changed forever due to their time in immigration detention. Their chances of recovery are inhibited by the additional stresses and insecurities surrounding the temporary nature of the protection visas they hold.