

Inquiry into the administration and operation of the Migration Act 1958

I have been corresponding with and visiting refugees held in detention by DIMIA since March 2003. These refugees were Afghan and Iranian, held in Port Hedland and then Baxter, and Afghan, held on Nauru. All but one of these families and individuals have now been released on temporary protection or bridging visas.

I never anticipated that I would become so involved, but as soon as I had a reply to my original message of support and sympathy I found there was a need that could not be ignored. These people, all of them, had been through experiences that most Australians could not fully understand, and yet we were subjecting them to still greater ordeals. I soon realized that the support that I and others had to offer would have to be on-going.

My first correspondent was a young man who had come by himself from Afghanistan, fleeing Taliban persecution. He wrote: 'I have seen my all life war in my country. I have been with suffering with my all life. I come Australia to safe my life but still I getting suffer in detention and feel like I put to the torture..' (It took another two years and long months in Baxter as well as Port Hedland before his release; amazingly, he managed to keep his spirits up until early this year, when he did lapse into depression for a few weeks before, at long last, being released.)

What has struck me about the treatment these asylum-seekers were given by our Government, through the use of armed forces and being subjected to the regime of DIMIA, has been its unrelenting negativity, its lack of compassion, and even its malevolence. The irrational and inconsistent nature of its decision-taking that would lead any of its victims to a feeling of despair at being caught in a Kafka-like web of anxiety and powerlessness. One can only speculate at the cause of this – was it simply a policy put in place to answer to the darker sides of our national character, or the 'whatever it takes' needed to win the next election? Or simple inefficiency?

I have been astonished and appalled that a government and leaders who voluntarily identify themselves as Christian, and all the more because of the current concern at the terrorist acts attributed to the dogma of Moslem fundamentalism, find it acceptable to act in a decidedly non-Christian way, not only refusing to acknowledge the calls of those who come asking for asylum, but inflicting gratuitous suffering upon them so that they can be left in no doubt that, at the very least, they are unwelcome and unwanted, and at the worst, that they offer a threat to our national security and well-being.

Thus, from the very first contact with Australian authorities, children, women and men in desperate need, were told by naval and immigration officers that nobody wanted them, that they were unwelcome – even before any Australian had heard, let alone attempted to comprehend, what had led them to undertake the dangerous journey in unseaworthy and ill-supplied boats, in conditions of extreme discomfort. Some of them emphasized the horror of this experience, and their fear, especially for a people from a landlocked country.

From Nauru, another young Hazara wrote: ‘... I don’t know where is my parents. I have nothing to go back... My friend if I have not fear so why I escaped and why I passed the dangerous ways even that me and all the other people were dive in water and none of us did not know swimming. Now you imagine that I passed from how much difficulties...’ And a teenage girl wrote on behalf of her family from Nauru, of the horrifying ordeal they went through, from being robbed of their papers and possessions in Indonesia, and then the subsequent voyage, when their overcrowded boat sank and her grandmother drowned, the ordeal continuing as they were eventually dumped on Nauru and were left to wonder if this desolate island-prison was to be their future, as the months passed and time after time they were subjected to pressure from DIMIA to accept repatriation, whether they came from Afghanistan, Iran or Iraq.

All of the letters from the refugees on Nauru dwelt upon their demoralization and hopelessness as time passed without their having any indication of an end to their detention there. The island-prisons, Nauru and Manus Island, and Christmas Island, provide conditions that only accentuate the sense of incarceration and isolation; it is understandable that refugees in these places would feel despair, unable to contact friends, lawyers, medical staff, etc. as needed, and made to understand that their lives were under the control of a government determined that they should have no means of having their story, and their viewpoint, heard, let alone understood, and, moreover, that they should be demonized as ‘illegals’ and ‘queue-jumpers’ and punished for posing a supposed threat to Australia’s borders. This despite their revealing an intensity of suffering and a vulnerability obvious to anyone able to relate to them simply as fellow human beings. Having seen the site of the new facility on Christmas Island, I can only deplore the decision to make this a major centre of detention for transgressors against the Migration Act. Access for legal and medical reasons, let alone for family and friends, and journalists, will be very difficult, and expensive. The result will be, again, increasing depression, despair and hopelessness if detention there extends beyond the few weeks needed for basic security and health checks.

The demoralizing effect of indefinite detention was brought home to me through contact with a number of Iranian refugees who had already been held for 3 years in the Baxter detention centre. When I began to write to these men, each of them was experiencing a period of extreme depression if not breakdown. They had problems in obtaining the medical and psychological attention they needed, and one was virtually disabled with severe and painful back problems from an injury suffered in another detention centre, for which he had received no sustained treatment.

These are all intelligent and able men who, before having to flee Iran, had been part of a prosperous middle class, working in their chosen trades and professions. They give the lie to those who assert that most refugees have come for economic reasons, and that they are here simply to grab a share in our well-being. The truth is that they are here because they would be dead, imprisoned, or tortured and persecuted, maybe their families as well, were they to return. That this is not enough for our courts to declare them to be deserving of refugee status is an indictment of our existing laws. It is not good enough to declare, as Mr. Ruddock does, that DIMIA’s officers have at all times behaved legally. So has he, I suppose, but this is all the more evidence that we have in place a set of bad laws which

should be replaced with legislation that expects us to treat those who come to us in distress according to humanitarian and internationally-accepted norms.

What I have heard of the administration of Baxter has brought home to me the power held by Global Solutions (or whatever private operator is contracted to run these establishments) over the lives of the unfortunate inmates. The administrators and their staff can make entirely arbitrary decisions as to how treatment must be implemented, including who should be punished by solitary detention. I know of a case where a man who was attempting to facilitate contact and understanding, by offering to interpret between some protesting detainees and the officers, was himself seized and put in solitary confinement for 2 months. He emerged with a greatly increased sense of anxiety and inability to concentrate. After even a year of indefinite detention, most of the detainees would be feeling adverse psychological effects. I am amazed that intelligent people, our politicians and government administrators, appear to be incapable of understanding the damage they are inflicting on people with their current policies. Either that, or, if capable of understanding, their callous acceptance of a cruel policy is what amazes. In neither case should they be allowed to be in charge of people's lives.

And this without special consideration of the rights of children, and the many ways in which the possibilities of their abuse, remain.

However, even under existing laws it is obvious that many, if not most, of the long-term detainees have been kept behind the razor wire because of the inadequacies and inconsistencies of DIMIA's decision-making. The system operated by DIMIA has been open to the exercise of ignorance and prejudice on the part of its officials. Of still greater concern, it has been open to abuses arising from a concern to reflect and to respond to the attitudes and beliefs of the decision-makers towards the top of the Department and within the Government itself. Hence refugees, even after their status as such has been recognized, still find their lives tightly controlled by Government regulation as long as they remain on temporary visas, or, even worse, bridging visas, which make them entirely reliant upon the goodwill and charity of others. It is as if it is the Government itself, or perhaps we as the people responsible for its election, needed psychoanalysis, that we demand such control to be exerted over people whose main desire is for a peaceable life and the opportunity to work and to give their children a chance. Why can we not trust and be generous in our treatment of these people, many from regions where we have contributed to the unrest that has propelled them from their homes? Many Australians can bear witness to the hospitality they have themselves enjoyed when travelling among these peoples. What is wrong with us, that our first reaction is to see them as potential threats who have to be herded behind razor wire?

Our harassment of people who arrive by unorthodox means, who do not have the odd half-million to ease their way into our anxious, insecure nation, lasts from their first contact, through the time of their detention and their grudging release into the community, and beyond, when many of them are presented with a bill from DIMIA demanding reimbursement for the cost of their detention. This is absolutely bizarre. None of them have done anything criminal to have deserved their period behind razor wire, and

the length of their detention has been entirely decided by DIMIA and usually made all the more lengthy because of DIMIA's own inadequacies. None of them can be expected to have the means of paying the amounts demanded. If they go abroad to see their families they cannot return before the amount is paid, which means, in effect, that they can never return. (And good riddance, is the obvious subtext from DIMIA). What malevolence is at work here?

Academic research into our departments of immigration over past decades has revealed a longstanding embedded attitude of racism and of antagonism towards unorthodox arrivals, which appears to have reached a kind of peak in recent years. For whatever reason – whether those in charge of the department have simply been control freaks – or primarily concerned in responding to their leader's aims ('whatever it takes'?) – or responding to a desire for easily-won popularity and a recognition that a morally upright policy might lose votes – its past and present practices have been, all too often, despicable.. So iniquitous has its recent history been, so ingrained its determination to make life difficult for those within its jurisdiction, that one must wonder if the reforms promised as a result of the Palmer Enquiry will be enough.

I would in fact argue for a complete demolition of DIMIA, especially of the Immigration component, and a total reconstruction and redevelopment of the administration of this area, with fresh personnel supported by new legislation that acknowledges our responsibilities to peoples in need.

I welcome the Senate Inquiry, and I look forward to the time when we can act as a nation prepared to play its part, not only in military and commercial terms, but, still more significantly, in responding to humanitarian distress.

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