

The Secretary,
Senate Legal and Constitutional Committee
The Senate,
Parliament House,
Canberra ACT 1600

Castlecrag NSW

29 July 2005

Dear Sir or Madam

I wish to make a submission to the Senate Inquiry into the Migration Act.

SUMMARY

I am a stateless Palestinian asylum seeker, presently in community detention on a Bridging Visa E (50). Although I am no longer in an Immigration Detention Centre, having been released from the Baxter facility in April 2003, I simply moved from a "small detention" to "big detention". My life is hopeless. I was psychologically damaged by my 2 years experience in detention and my condition gets worse, not better because there is no solution in sight to my problem. DIMIA has washed its hands of me and is not taking any action to help me find a solution. I am not allowed to work and not entitled to any welfare benefits. I am full of despair and often consider committing suicide.

My situation is not unique, although to the best of my knowledge there are only one or two other people in Australia whose cases are identical to mine. One of these is another stateless Palestinian, [REDACTED]. I understand that he will make a separate submission to you about his case. We would both welcome the opportunity to present our cases to you in detail.

What we ask is a solution to be found for stateless asylum seekers such as ourselves. We do not ask for much. All we ask is a home, somewhere where we can settle and make a contribution to society. It is surely a basic human right to have somewhere to live. The Australian immigration and detention system at present denies us this right. The High Court decision made in my name on 9 August 2004 in fact confirmed that the government was within its rights to keep us in indefinite detention.

BACKGROUND

I was born in Kuwait on 29 July 1976 to stateless Palestinian parents. (They had fled Gaza as refugees long before I was born.) My father died when I was two years old and my mother raised me on her own. Our life was bearable until the Gulf War of 1994. After this Kuwaiti people accused local Palestinians of supporting the Iraqi invasion and our life became more and more difficult. In 1997 my employer falsely accused me of

certain things. He was well connected with the government and arranged for my home to be raided. I knew there was no justice for me in Kuwait. I had to flee the country, leaving my mother behind. Eventually I found my way to Jordan and illegally obtained work there, but it was not possible to stay in that country so I saved up enough money to make my way to Indonesia and buy a passage on a boat to Australia.

The boat I arrived on in 1961 was wrecked on the Ashmore Reef. I lost all my papers and belongings. I and other passengers were rescued by the Navy and brought to Darwin, and then sent to the Curtin Detention Centre. From Curtin I told my story to the Refugee Review Tribunal and asked for asylum. The Tribunal did not believe my story and refused my application. I then went through the appeal process, with which you are familiar. After a year I was moved from Curtin to Baxter. There I met I [REDACTED], who had been in Woomera. Like me, he is a stateless Palestinian.

My time in detention was hell. I suffered physically and mentally. Several times I was placed in the "management unit". I tried to commit suicide. I was given some medication but the centre management made no assessment of my psychological state. I was told that there was no hope of my being allowed to stay in Australia and urged to sign to accept deportation. I did so in 2002, stating that I was prepared to be deported either to Kuwait, my birthplace, or to Gaza, my parents' original home. Neither Kuwait nor Israel (for Gaza) would accept me. DIMIA staff approached several other countries and told me to call some embassies in Canberra myself to ask them to take me. None of these approaches were successful.

I [REDACTED] and I were released from Baxter at Easter 2003 on Habeas Corpus grounds. It would be more accurate to say that we were dumped in Port Augusta with no visas, no money and nowhere to stay. We managed to contact our lawyer, Abby Hamdan, and other friends in Adelaide who had visited us in Baxter helped to find us accommodation. We were required to report to DIMIA every day, although later this rule was varied – at present we have to report every fortnight. With no visa, we were absolutely in limbo. Although we were outside the detention centre wire, we felt as if we were staked to the ground, unable to move or do anything. Our state since then has been not much different from formal detention.

This initial anomalous state continued until after the High Court decision in my name in August 2004. At that time, we genuinely feared that we would be returned to the Baxter hell as a consequence of the decision, but the House of Welcome in Sydney put a case to DIMIA proposing that we could continue in community detention. Since then I have been living in the home of a friend in Sydney and receiving support from the House of Welcome, Bridge for Asylum Seekers, Red Cross and other charities, as has I [REDACTED] also. Both of us were issued with Bridging Visas E in October 2004. These have conditions attached, including not being allowed to work and not entitled to receive any welfare benefits. We have observed all these conditions although they make life very difficult and we do not like being a burden on the charities and friends that support us.

REQUEST

I respect the decisions by the courts and by the government. I am a law-abiding person. I chose to come to Australia because I believed that this country has a good record of humanity and stability. I still believe that this is fundamentally true, in spite of my personal experience of cruelty and neglect. I wish to contribute to this country and to repay the good people who have helped me while I have been here.

It is not a crime to be born stateless. All I ask for is the opportunity to make a life for myself. If Australia will not accept me, the government should find a home for me somewhere else. I cannot see what is so difficult and why after five years, no solution has been found to our situation. I cannot believe that no one in government cares about us. I cannot believe that we do not exist in the eyes of DIMIA and the Australian government. I beg you to help us!

Yours truly,

AHMED AL KATEB