

Under the Migration Act untrained officers have the right to arrest, detain and ignore the human rights of "unlawful" non-citizens. The only "crime" involved is to not have a visa for entry or stay and the detention of such people for the whole of their lives has been deemed constitutional in the case of Al Kateb v DIMIA.

They are allowed to deport them without cause on false documents to anywhere in the world they choose without asking the country involved if they will accept them.

As these examples show the level of competence across several of our public services are seriously flawed:

1. On 22 March 2001 a DIMIA member deemed that Roqia Bakhtiyari was a citizen of Afghanistan, that her husband was a Pakistani - travelled with her brother in law.

From 22 March until her deportation to Pakistan on 30 December 2004 Roqia Bakhtiyari was jailed in Woomera, Baxter and a motel at the cost of \$1.4 million because "she was not an Afghan and not a Pakistani".

From the memo written by Trevor Johnson and sent to Heather Penhaligon on 22 March 2001 an extraordinary trail of documents claiming over and over again that Roqia Bakhtiyari is a citizen of Pakistan have been manufactured in Canberra by public servant X.

These documents are available in the committee investigating the Migration Act, they refuse to make them public in spite of repeated requests by myself on the behalf of the family.

The documents used are in the name of someone named Asghar Ali who was born in 1957, 1959 or 1971 with two different ID numbers, two different families, two different addresses, two different translations and so on.

The ID application forms themselves were deemed to be invalid in March 2000 by the Pakistani government yet someone in DIMIA decided to use them against an innocent Afghan woman in August 2002, solely because someone in DIMIA decided that a person other than Ali Bakhtiyari was a Pakistani citizen and might be Ali's brother.

That person was not Ali Bakhtiyari's brother and he was not a Pakistani anymore than Ali Bakhtiyari was.

Paul McGeough of the Sydney Morning Herald found a document in Kabul in September this year that proved without doubt Roqia Bakhtiyari was a citizen of Afghanistan.

Roqia Bakhtiyari was sent to Pakistan in various ways we discover.

DIMIA say that the family were deported on Australian Certificates of ID that they never applied for.

DFAT say they didn't use those papers and that they were destroyed on 18 January this year.

DIMIA then claim they were sent on Pakistani passports that they never applied for.

The lesson is obvious.

If DIMA can manage to cost the Australian public \$6 million to "prove" that Mrs Bakhtiyari was a citizen of Pakistan when they were always aware that she was a citizen of Afghanistan how can we have any faith that those in other politicised departments in this government can get it right.

2. Scott Parkin was said to be a security risk by ASIO but in Senate Estimates it was shown that he was no risk at all. He had been grabbed from the streets, locked into isolation for 5 days and then sent to America with a bill for over \$11,000.

3. Vivian Alvarez was deemed to be "a sex slave who wanted to go home to the Philippines" without a skerrick of evidence and in spite of pleading that she was an Australian citizen. Ms Alvarez was illegally deported to the Philippines on no papers, too ill to walk, feed herself or remember who she was and why she was in the Philippines.

Vivian Alvarez was known to have been wrongly and illegally deported for over 2 years and yet no-one looked for her. The Ombudsmans report labelled her case "catastrophic".

4. Cornelia Rau was said to be a German "illegal" and sent to Queensland prison where she languished for 6 months. She was treated with great brutality and sent to an isolation cell on a number of occasions when having psychotic attacks due to schizophrenia.

After that 6 months she was sent to Baxter detention centre where she was sent to isolation again and still did not have an appropriate medical check or medical care. The Palmer report shows that she was treated like something less than an animal by the prison guards.

On November 21 a missing persons advice was published in the Sunday Mail and the Daily Telegraph with her details - many copies of the Sunday Mail are sent to Baxter where clearly GSL and probably DIMA staff read them and censor out the sensitive parts.

On November 24 a public servant circulated an email stating that it was believed Cornelia was an Australian of German parents but instead of coming clean and releasing her into a hospital she was sent into isolation for 65 days while DIMIA pretended to

look for her in the former Eastern Block of Europe.

5. Following the finding of Vivian Alvarez more than 200 men, women and even some children who are Australians or in Australia legally have been found to have been incarcerated illegally with one for 7 years without explanation.

The Migration act does not allow actual judicial or merits review at any level of proceedings for most unlawful non-citizens.

The question the parliament and committee needs to examine is "do we really want to destroy the separation of powers further by attacking Australian citizens who are not guilty of anything"?

It is stated by the government that this set of laws is not to target muslim Australians, a statement I find utterly offensive and inaccurate.

The Migration Act laws s 157, s134, Al Kateb, Behrooz and others are absolutely aimed at excluding muslims who come on boats and claim refugee status in our nation under the refugee convention.

Some of the people charged this time around are previously refugees and are muslims. They are all muslims.

The fight with the camera man and five young muslim men caused sensational headlines and claims of never seen behaviour in Melbourne. Melbourne has just lived through an extended series of gangland killings with some in broad daylight.

Sydney had just been the scene of riots in Redfern and MacQuarie Fields.

Men have now been arrested for buying paint thinner and maybe belonging to an organisation with no name.

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