



STTARS

SUPPORTING SURVIVORS
OF TORTURE AND TRAUMA



Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT 2600

25/9/09

Migration Amendment (Complementary Protection) Bill 2009

The Survivors of Torture and Trauma Assistance and Rehabilitation Service (STTARS) is writing in response to the inquiry into the Migration Amendment (Complementary Protection) Bill 2009.

STTARS was established in 1991 to assist survivors of torture and trauma from refugee backgrounds who have settled in South Australia.

We have provided services to many asylum seekers and regularly provide expert assessments in support of applications to the Minister for Immigration for a protection visa to be granted under the Minister's personal intervention powers.

It has been our experience on more than one occasion that individuals for whom we provided an assessment, and who were considered by experienced staff to have a very strong claim based on the high risk of torture they would face if returned to their country of origin, were denied requests for a visa. On at least one occasion that we know of, this resulted in the disappearance and likely death in custody of a returned asylum seeker and subsequently his wife and daughter.

It is not at all clear to us how or by what guidelines these applications for Ministerial intervention are assessed. Given what is at stake for people we believe it is essential that these decisions are not only subject to public scrutiny but also should not place the threshold for evidence of the legitimacy of the claim to be placed so unrealistically high as to result in the return of people to situations where there is a strong likelihood of torture and death.

In light of these concerns we wish to endorse the submission prepared by Foundation House.

Yours sincerely,

Bernadette McGrath
Director