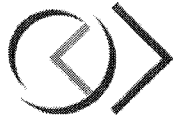


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N E D A

National Ethnic Disability Alliance

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25 July 2008

Committee Secretary
Joint Standing Committee on Migration
Department of House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600
AUSTRALIA

Inquiry into Immigration Detention in Australia

Dear Committee Secretary

The National Ethnic Disability Alliance (NEDA) is the national peak organisation representing the rights and interests of people from non-English speaking background (NESB) with disability, their families and carers throughout Australia. NEDA is funded by the Commonwealth Department of Families, Housing Community Services and Indigenous Affairs (FaCSIA) to provide policy advice to the Australian Government and other agencies on national issues affecting people from NESB with disability, their families and carers.

NEDA estimates that one in every four people with disability is a person of either first or second generation NESB, representing approximately 1 million people across Australia.

Unfortunately NEDA was unable to prepare a full submission to the Inquiry into Immigration Detention by the 19 July 2008 deadline. However, I would like to provide the following information for the information of the committee in relation to immigration detainees with disability:

1. NEDA does not support the mandatory detention of persons entering or remaining in Australia without a valid visa. NEDA believes that mandatory

detention policies are contrary to the 1951 Refugee Convention (CSR 1951), the Universal Declaration of Human Rights (UNDHR 1948), and the International Covenant on Civil and Political Rights (ICCPR 1966).

2. NEDA notes that the Australian off-shore refugee program currently presents significant barriers to people with disability entering Australia, due to the requirements of the health assessment that is undertaken, and the exemption of the *Migration Act 1958* from the *Disability Discrimination Act 1992*. This means that families with a child with disability, or individuals with disability, may be incentivised to try and enter Australia as on-shore asylum seekers, facing detention as the only possible means of refuge. It also means that the vast majority of asylum seekers with disability, and families arriving as on-shore asylum seekers who have children with disability, are unlikely to access a visa to allow them to access Commonwealth benefits (i.e. Disability Support Pension, Carers Pension etc) and state-funded services (i.e. advocacy etc).
3. NEDA acknowledges that reforms after 2006 have meant that detainees with disability are provided an individual care plan, and other arrangements may be considered where the detention facility is unable to meet the detainee's needs. However, it remains unclear how people with disability are identified (particularly where English proficiency and cultural miscommunication may be factors), exactly many people with disability are in immigration detention in Australia, and how successful individual case management has been.
4. A key issue for detainees with disability is access to appropriate health treatment. NEDA understands that delay in gaining appropriate treatment is the most common difficulty people in immigration detention centers face, a situation which poses challenges for the health and wellbeing of some people with disability.
5. NEDA remains concerned in relation to the situation for people with mental illness in detention. NEDA understands that there is more than adequate evidence in both Australian and international literature to demonstrate that a detention environment will have a negative effect on the mental health of detainees, and poses implicit challenges to providing appropriate treatment. Further, English proficiency and cultural difference will create challenges for providing appropriate cross cultural mental health treatment and support for people in detention.
6. While it is acknowledged that the Australian government has a responsibility in regulating the movement of people entering and leaving Australia in a fair and consistent way, mandatory detention policies have created a significant degree of harm for individuals, families and

communities. NEDA urges the Australian government to urgently consider alternatives to mandatory detention.

I hope that the Committee will favorably consider the information in this letter when finalizing its report. If you require further information, please contact Dinesh Wadiwel on 02 9687 8933 or email office@neda.org.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dinesh Wadiwel', with a long horizontal stroke extending to the left.

Dinesh Wadiwel
Executive Officer