

Dear committee,

I am writing to express my deep concern about the inhumane policy of mandatory detention of people who seek asylum here in Australia. It makes me truly ashamed to be Australian.

In speaking with many asylum seekers I have been shocked and unsettled to find that there is a great hesitance to talk publicly about their experiences in detention and in dealing with DIMIA. Many people who have finally been granted protection and now live in the Australian community fear harassment from DIMIA, and possible cancelling of their visas, should they speak out. Others who remain in detention, and who have permanent residency or temporary protection visas pending, cannot put their names to their stories for fear of jeopardising their future. This situation is appalling. It highlights the fact that the granting of a visa is not an end to the story, it is not a fix or a solution, but the point at where the real investigation must begin.

I draw your attention particularly to the very disturbing case of a man named M██████████, who after four years remains in Villawood with no indication as to when he may be free. As Massood and his friend told me this story last week, I was astounded and appalled over and over again. I urge you look very closely.

M██████████ is about 45 years old. He is originally from Iran. Back in 1989, due to political trouble in his country, he felt his life to be in danger and sought to leave his home country. He applied to the United Nations for refugee status. The UN found him to be a legitimate refugee, and refugee status was granted.

The UN, as is standard practise, asked him to name three countries that he would be prepared to make his new home. He named the US, Canada and Australia. His request was passed on to each of these countries, and Canada and Australia both sent an invitation to him through the UN. Massood saw Australia as a younger and more open country, where he would be less likely to face and prejudice, and so chose to accept our invitation.

In 1990 M██████████ arrived in Sydney with his wife, who, although not a refugee, had been permitted to remain with her husband. Together they had two children.

In 1992 M██████████ committed a crime of some kind, and spent 18 months in prison. He was released in 1994.

Over the following six years, from 1994 until 2000, M██████████ lived a good and very normal life. He was divorced from his wife, but continued seeing his two children, and focussed his energy on establishing and running his two successful companies. He committed no further crime at all- in six years, not even a parking ticket.

In 2000 his life was turned upside down. As you are aware, in 1999 Phillip Ruddock introduced legislation to the effect that any person who held permanent residency in Australia but who was found to be guilty of a crime and imprisoned for 12 months or more, could be deported. When it came to Massood, someone somewhere along the line felt that this new law could be enacted retrospectively. I find this chilling.

And so in 2000 M██████████ was taken from his home one morning by DIMIA officers. He was taken to Villawood detention centre, where he was held in isolation for four days. He was not told what was going on, he was not given access to any legal advice, or even to family and friends.

After four days he was taken to Sydney airport, and presented with deportation papers signed by Phillip Ruddock. Knowing that something was very wrong, he resisted the attempt to put him on the plane, and the airline refused to carry him.

And so he was taken directly to Silverwater prison, where he was held for three weeks. With no charges. DIMIA officers told him that he was under arrest for resisting deportation, and that his permanent residency was to be cancelled.

In order to disguise the fact that he was being held without charges, he was transferred to different locations four times. He was held in prison for a total of 18 months. Through period he was bashed on a number of occasions, and suffered two broken ribs.

In late 2001 he was taken back to Villawood, where he was told that his permanent residency was to be cancelled retrospectively as a result of the 1999 legislation. He has been held at Villawood since that day. After four years, he has developed diabetes and a heart condition, and is heavily medicated for depression. On the other hand, he has married a woman who he met in the centre, and who has now been released, and together they have one child.

Through this period, there have been several significant appeals. The first was before the Administrative Appeals Tribunal. Here DIMIA took the line that his initial 1989 application to the UN had been a fake. They drew upon testimony from his estranged wife, now an Australian citizen. (If this were found to be so, surely her citizenship would have to be revoked?). DIMIA also claimed that as he had once committed a crime he was likely to recommit and was therefore a danger to society. They ignored the fact that for six years he had lived in the community with not one problem.

DIMIA then brought this evidence before the UN in an attempt to convince them that in his original claim he had been lying. The UN rejected this, and reasserted that M[redacted] is a genuine refugee.

Secondly, in late 2003, as his new wife had been released into the community, M[redacted]'s solicitor lodged for a bridging visa in order that he may join her in caring for their child. The DIMIA officer dealing with this claim responded that it was impossible to grant a bridging visa as Massood was already a permanent resident of Australia. This officer was immediately removed from their position.

Late last year M[redacted] was advised that the Department had referred his case to the Refugee Reviews Tribunal. After the presentation of all evidence, the Member confirmed his genuine refugee status, and suggested that he would be leaving Villawood very soon. These conversations are held on tape by M[redacted]'s solicitor. However when the final verdict came through in January this year, his claim had been denied.

He remains in detention.

This is but one example of the astounding failures of our current system. As an Australian committed to fairness, and freedom, and compassion, I see the whole system of mandatory detention as a terrible blemish on our nation. I call upon the committee to assure those who have been treated unfairly of their right to speak freely; and to continue bringing to light the terrible stories that remain hidden. To fully acknowledge the injustices that we have done is the first step in the long process of righting them.

Sincerely,

Annabel Brown  
Chippendale