

Re: Terms of Reference A --the processing and assessment of visa applications, detention and deportation.

I wish to express my concern about the processes involved in the assessment of an application for a protection visa made by a young Afghan Hazara man who was removed from Australia in 2003. As I do not have his permission to discuss his case, I am not willing to provide identifying details. However, as I know that the apparent anomalies in his treatment have arisen also for other Hazara asylum seekers, I wish to bring his case to the attention of the committee, in the hope that it may contribute to the consideration of the general issues involved.

This young man's application for protection was refused on the grounds that he was deemed to come not from Afghanistan but from Pakistan, and that he was hence not in need of protection. While detained in the Baxter detention centre, he arranged for a relative to obtain identifying documents for him in Afghanistan. On receiving those documents, he hoped that his case would be reconsidered. However, he was informed that, now that his origins had been established, he would be returned to Afghanistan. Anxious about the well-being of his family, who had by then been forced to flee from Afghanistan to Iran, and distressed at the prospect of further prolonged detention, he agreed to "voluntary" removal. He is now living in difficult and dangerous conditions in Afghanistan.

I found it at the time puzzling that he could be returned to Afghanistan on the basis of Afghan identifying documents when the reason for his being refused a visa was that he was deemed not to be from Afghanistan. I can only conjecture that the basis for that decision was that the procedures did not allow for the consideration of new information. If that is so, I can only conclude that the processes gave priority to administrative convenience at the expense of any concern for truth or for the well-being of asylum seekers.

I wish therefore to ask the committee to consider (i) whether the complexities of the situation of Afghan Hazara asylum seekers have been given adequate consideration in the processing of visa applications; and (ii) more generally, whether there is adequate provision in the procedures for the consideration of new information which may become available in the course of the process.

I am aware that there are other Afghan Hazara men, with similar stories, who are still in detention; that their ongoing inability to provide assistance to their families is a source of great distress; and that their mental health is deteriorating.

I am grateful to have the opportunity to express my concerns about these matters.

Yours sincerely,

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