

Seacliff SA

2 August 2005

Committee Secretary

Senate Legal and Constitutional Committee

Department of the Senate

Parliament House

CANBERRA ACT 2600

Dear Sir/Madam

INQUIRY INTO THE ADMINISTRATION AND OPERATION OF THE
MIGRATION ACT 1958

I am writing to inform you of my concerns regarding the administration and operation of the Migration Act 1958, in relation to my experiences when visiting the Bakhtiyari family, both at their home at 23 Gurney Road, Dulwich, Adelaide, and also at Baxter Detention Centre (when I visited them on 29 December 2004, the night before their deportation).

My husband (Jim Lackie) was one of the children's carers, both with Centacare, and later as a volunteer when FAYS was in charge. My own involvement was primarily through my profession as a Remedial Massage Therapist.

I first met and massaged Roqia Bakhtiyari (the children's mother), after she moved into the Dulwich house (I had already met the Bakhtiyari children prior to this). I offered to massage Roqia, because of her severe back pain and high stress levels.

Roqia was finding the arrangements at the house very difficult, as she attempted to manage the household - cooking, cleaning, minding her baby (Mazhar) and being mother to her older children (from whom she had been separated for many months). Roqia was separated from her husband (who was still in Baxter Detention Centre) and, in addition, she was dealing with the stress of family court cases and the possibility of deportation. She also needed to cope in a house where she had no time to herself in which to de-stress or relax, as, at any given time, several staff of FAYS were on duty plus, on occasions, extra security officers. Some of these people were male, and would often come into the house unannounced, which, for Roqia and the girls as Muslim females, was particularly difficult and traumatic, as they did not have the chance to put on their headscarves. Roqia expressed to me her fear that, if the family were deported, this would make her daughters particularly vulnerable as "they had been seen by men".

Tensions in the house became very high with the changed household arrangements. The new FAYS staff were often young women, some of whom would rarely help Roqia with caring for the baby or with household chores. Some of the FAYS carers believed in discipline, and expected their authority to be obeyed without question, which led to huge rebellion issues, particularly from the boys. This was because the work done previously by the Centracare minders had worked on policies of mutual respect and co-operation with the family, and with trying to develop good relationships. This was not the case with FAYS.

I massaged Roqia on two occasions, and on both occasions Roqia was appreciative of my work and talked to me about her stressful situation and background. She wasn't sleeping and appeared to me to be very depressed, mainly because of the above conditions under which she was now living. She spoke to me about her life in Afghanistan (not Pakistan as the Government insisted), and I had no reason to disbelieve her.

However, my main concern is in relation to my visit to Baxter Detention Centre on 29 December 2004. I lodged a "Visitor's Concern Form" at the Detention Centre on 30/12/04, and wrote to the Department General Manager, GSL Detention Centre, Port Augusta on 1/1/05. Numerous letters were sent to major newspapers in the following days. My concerns are as follows:

1) I was horrified to hear from Roqia that the family had been treated so inhumanely, after having been woken from their beds in their Dulwich house, in the early morning of 18 December 2004, and given no food, water or toileting facilities until they arrived at Baxter, Port Augusta at 3.00 pm, on a 40 degree day.

2) Further, Roqia (who was pregnant and very unwell), had had her requests for a doctor denied for 2 days. The doctor who finally saw her on 29/12/04, confirmed her pregnancy, yet apparently deemed her fit for deportation, despite her previous medical history of difficulties during previous pregnancies, and her obvious state of illness at this time.

3) Roqia and the children were not sleeping because they would hear the guards' footsteps coming into their rooms at night, causing fear and distress. Because of their experience of having been woken from their sleep at Dulwich, their justifiable fear was of deportation (which in fact occurred). Also, from Roqia and Nagina's perspective (as Muslim women), it meant they could not have their heads uncovered when in the presence of male guards who would enter their rooms at night (an appalling disregard of cultural and religious sensitivities).

4) The 1.00 am deportation of the family, means that they were again awoken from their beds, which, for the children in particular, would have again been horrifyingly traumatic and distressing,

5) Also, such a long flight, for an unwell, pregnant woman, I believe, was putting both her life and that of her unborn baby, at severe risk. I question whether the family were deported at this time, without due process in regard to travel documents, etc, simply because Roqia was pregnant (and could possibly draw sympathy if her situation became known to the public).

In support of these concerns I attach the following:

- 1) My letter to the Department General Manager, GSL Detention Centre, Port Augusta, dated 1 January 2005;
- 2) GSL's reply dated 17 January 2005.

Finally, as the family immediately re-settled in Afghanistan after their deportation to Pakistan, I question this government's insistence that this family is Pakistani. That is not the case, and I am disgusted that they were not granted refugee status.

I would appreciate acknowledgement of this letter, and I trust that the above will be helpful to your enquiry.

Yours faithfully

Rosalie Lackie (Mrs)

BTh, Cert Ministry, Member AAMT.