

SUMMARY

Buddies Refugee Support Group submits that:

- Temporary Protection Visas be abolished;
- persons on Bridging Visas should receive study rights, work rights, and access to Medicare and Centrelink benefits;
- Bridging Visa applications under Section 417 should be determined within 3 months, and if not, then the applicant be granted permanent residency.
- Remote detention centres at Baxter, Christmas Island and Nauru should be closed;
- Outsourcing of management and service provision to detention centres should be terminated;
- No persons should be detained in a detention centre for longer than 30 days (subject to independent judicial reviews);
- forced deportations should be prohibited and that the use of drugs to subdue deportees should also be prohibited.

1. INTRODUCTION

Buddies Refugee Support Group advocates for the just and compassionate treatment of refugees, consistent with human rights standards which Australia has developed and endorsed. Our group comprises over 250 members located on Queensland's Sunshine Coast

Our group has had over three years experience in dealing personally with refugee and asylum seeker families in South East Queensland, in communicating with detainees in detention centres, in meeting with detainees who have been released from detention centres and in lobbying for individual cases known personally to us.

2. TERMS OF REFERENCE

The terms do not include a critical review of the provisions of the Act. The Act breaches basic human rights standards in that:

- It allows the indefinite detention of persons;
- Temporary Protection Visas place the onus on the refugee to reprove his/her status on expiration of the visa;
- There is no provision for independent judicial review of departmental decisions;
- The courts cannot change decisions by the department and if appealed to, can only refer matters back to the department if due process has not been followed;
- The decisions of the Minister under Section 417 are non appealable in the courts;
- Regulations such as the "45 day rule" are against natural justice.

Therefore, even if the Act were administered impartially, it is inherently unjust.

Also the terms of reference does not include detainees on Nauru.

3. TEMPORARY PROTECTION VISAS

The temporary nature of this visa creates fear and has led to years of psychological trauma in refugees. This is compounded by:

- departmental tardiness in decisions once a visa has expired;
- lack of any effort by the department to help the refugee understand the process;
- poor interpreting (sometimes by inappropriate ethnic interpreters) and;
- the requirement for refugees to meet the costs for medical tests.
- refugees are often still kept in detention for some considerable time even after being told they had been granted a TPV e.g., in Nauru it was some months.

Departmental decisions seem arbitrary, sometimes different family members have received different decisions even though their cases are identical.

(Our comments are based on Afghan, Sri Lankan & Iranian families known personally to Buddies members and our dealings with refugee support organisations in Brisbane.)

Our submission is that Temporary Protection Visas be abolished and that all those assessed as refugees receive Permanent Protection Visas.

4. BRIDGING VISAS

The administration of Bridging Visas (especially BVE's) causes extreme cases of unnecessary hardship.

Asylum seekers, whose study and work rights are denied and who have no access to Medicare and Centrelink benefits, are totally dependent financially on the charity of church and refugee support groups.

Decisions regarding study and work rights and access to Medicare appear arbitrary, being made by junior departmental officers with no understanding of case and often without access to the person's complete case file.

Processing of asylum seeker applications under Section 417 often takes years, leading to ongoing mental stress and trauma for the applicant.

(Our comments are based on the cases of East Timorese & Pakistani asylum seekers known personally to Buddies members and our dealings with refugee support organisations in Brisbane.)

Our submission is that:

- **persons on Bridging Visas should receive study rights, work rights (including paid and voluntary), and access to Medicare and Centrelink benefits in all cases and;**
- **determination of Bridging Visa applications under Section 417 should be made within 3 months, and if not, then the applicant be granted permanent residency.**

**Parliament of Australia – Senate legal & Constitutional Committee
Inquiry into the administration and operation of the Migration Act 1958
Submission by Buddies Refugee Support Group**

5. DETENTION CENTRES

The treatment of asylum seekers and conditions in detention centres are appalling. Decisions in the even minor matters are arbitrary and inconsistent. Contract management staff appear unaccountable to anyone. Lights are remain on regularly throughout the night breaking and disturbing sleep patterns. Psychological trauma and deterioration of detainees mental health is inevitable. Health care is minimal.

These human rights abuses and health outcomes are already well documented.

For example:

- An Afghan man placed in “management” for months because he learnt of the deaths of relatives and was upset. His condition was worse when released from “management”;
- Years of detention for asylum seekers while their cases go before the courts.

(Our members write to, phone and visit detention centres. Over 3 years our members have learnt of specific cases confirming the above. We are reluctant to be more specific as some of the people we are dealing with are still in detention and we fear for their treatment if we make their specific details known to the Senate Committee.)

Our submission is that:

- **Remote detention centres at Baxter, Christmas Island and Nauru should be closed;**
- **Outsourcing of the management and service provision should be terminated;**
- **No persons should be detained in a detention centre for longer than 30 days (subject to independent judicial reviews).**

6. DEPORTATIONS

Our members have learnt of cases of forced deportations involving physical cruelty the use of drugs and extreme trauma. Deportations are carried out with the help of state government police.

A specific case came to our attention of the deportation on 13 December 2004 of the **A family** on a Thai Airlines flight from Sydney. The father, **A** was bound and gagged and forced onto the flight where he was placed in the rear of the plane. His family (mother and 3 children) were placed in the front of the plane and neither knew of the other's presence on the plane. NSW State police assisted and accompanied the flight to Lahore in Pakistan. We have in our possession letters from Thai airlines, a letter of instruction from DIMIA to Thai, and written responses from the NSW Minister of Police and Thai Airlines confirming what happened.

Our submission is that forced deportations should be prohibited and that the use of drugs to subdue deportees should also be prohibited.