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The Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
Parliament House
Canberra, ACT, 2600

Re: Inquiry into the administration and operation of the Migration Act, 1958

I write as a refugee activist who has made regular visits to the Perth Detention Centre, corresponded with people in other centres such as Baxter Detention Centre, and supported people outside detention (i.e., those with a bridging visa or no visa at all).

Adequacy of healthcare (Terms of Reference c.)

I make two general points about the mental health of detainees and the appalling treatment they receive in detention. First, the removal of people's capacity for self-determination and self-efficacy as occurs in detention has profound mental health implications. To take but one example, detainees are often called by their number; this is dehumanising in the extreme. As one detainee wrote to me, "*I am forgetting what my name is. My number is *****". This reminds me of Nazi Germany.

Second, and related to the above point, the mental health of detainees has seemed at times to be irrelevant to authorities. For example, a close friend who I visited weekly in detention was clearly showing distressing symptoms which could not be addressed in such a negative environment. He told me that the only time he could cry was when he visualised himself leaving his body. This situation was allowed to continue until his primary advocate managed to get him out on a bridging visa.

I only give two examples here; however, they are the tip of the iceberg. You cannot lock people up in those circumstances and not expect to have severe mental health repercussions.

The processing and assessment of visa applications (Terms of Reference a.)

My third and final example comes from the case of a stateless asylum seeker whom I have been supporting since early 2002 and whom I shall call Wasim. After spending five years in detention, Wasim was released into the Australian community awaiting a decision from the Federal Court regarding the lawfulness of his detention. A number of administrative mistakes were made in his case. We give two examples from many others:

1. Wasim's interview tape was destroyed by mistake by DIMIA. This was problematic as the Refugee Review Tribunal argued that Wasim amended his story which he did not. The handwritten note turned up after four years

which supported Wasim's version of events when he took this matter to the Administrative Appeals Tribunal. It is of concern that the only evidence which could refute an argument which was used by the Department and the Refugee Review Tribunal was lost and that the note only emerged after a long period of Freedom of Information requests.

2. In one instance, unverified and false information regarding Wasim was given to DIMIA by an ACM officer and taken seriously. Clearly, there is an improper role of the detention contractor in collecting information for DIMIA, which appears to be used unofficially in determining the context for decisions. In this particular case, other detainees reported that the ACM officer concerned said that he was pushed by DIMIA to make false statements about an admission which Wasim never made. Furthermore, this misinformation only came to light after Wasim was able to obtain his case file, two years after requesting it under Freedom of Information. The false and unsubstantiated claim by the ACM officer was there with his name blacked out. Wasim, however, was able to recognise his signature.

Wasim and his supporters had long suspected that there was something detrimental in Wasim's file which elements within DIMIA did not wish him to know about. This false statement by the ACM guard, allegedly at DIMIA's request, would seem to be the "something" that was suspected. It would further seem by examining the file that the false statement has formed the basis of a large and protracted effort and investigation by DIMIA to disprove Wasim's account of his origins, even though all other evidence such as language analysis and Wasim's knowledge of his home area support his account of his origins.

Following a High Court decision on the legality of detention, Wasim now faces a return to indefinite detention unless his application for ministerial intervention is successful. He has no visa or working rights. Additionally, he is not allowed to access social security or health benefits. He lives off the charity of others, in particular the Uniting Church and his wife who is an Australian citizen. I am in constant contact with Wasim and his wife. I see firsthand their pain associated with the uncertainty of Wasim's future, and his clear distress at being forced to rely on charity to survive. I also see the ongoing psychological damage resulting from his five years in detention; something I hope will dissipate once (if) he is granted a visa and he can begin a 'normal' life.

Any related matters (Terms of Reference e.)

Finally, I would like to make some comments about the wider picture. As well as being a refugee activist, I am also a university lecturer (my research work led me to my activism). My research has looked at the attitudes of the Australian community toward asylum seekers, and whether the Federal Government played a role in promoting such negative attitudes. Results indicated a significant relationship between the reporting of negative attitudes and the acceptance of incorrect information such as that relating to the "Children Overboard" scandal. The research also shows, unfortunately, that these misconceptions are also often present in comments made by those in authority (e.g., John Howard; Peter Reith; Phillip Ruddock; Amanda Vanstone). One would have to ask whether Australia's

multiculturalism is conditional and involves a strong element of racism which can be sourced right to our most senior politicians. It is essential that we take into account the wider picture when looking at the administration and operation of the Migration Act 1958; in particular, the role of the Government in promoting negative attitudes toward asylum seekers. Without the strong support from the community for the Government's hardline position, the harsh treatment of asylum seekers may never have occurred. And yet the strong support from the community may well not have occurred without a great deal of misinformation given the general public by Government ministers.

In short, I have given three examples of strong anecdotal evidence suggesting that elements within DIMIA mistreat asylum seekers and pursue an agenda other than that of finding the truth and making correct and just determinations with regard to asylum seekers. Clearly, there is a negative culture within DIMIA which appears to come right from the top from our political leaders. The situation of the three people I wrote of, together with the situation of many other refugees, should never have happened. I hope that this Senate enquiry ensures that it will never happen again.

Dr Anne Pedersen