

This is a submission to the Senate Inquiry that has been commissioned to investigate the administration and operation of the 1958 Migration Act. Specifically, my submission relates to the length of time people spend in detention, both on and off shore, and to the on-going effects of temporary protection.

I write as a private individual who is enormously concerned by the suffering and anguish that has occurred and continues to occur as a result of current policies.

a the administration and operation of the Migration Act 1958, its regulations and guidelines by the Minister for Immigration and Multicultural and Indigenous Affairs and the Department of Immigration and Multicultural and Indigenous Affairs, with particular reference to the processing and assessment of visa applications, migration detention and the deportation of people from Australia;

The people on Nauru continue to bear the ultimate burden of the so-called Pacific solution. They were not the people smugglers - their only crimes were firstly to have asked Australia for asylum in the belief that they would be treated as refugees, and secondly their ignorance of the fact that Australia had excised some islands from its migration zone. For these "crimes" they have endured nearly 4 years of detention on Manus and Nauru Islands.

I hear almost daily from people on Nauru. Some of these people (after nearly 4 years of detention, and rejected claims) were recently found to be genuine refugees. It is reasonable to think that this decision could have been made several years earlier - allowing the people to be productive members of our society rather than now being dependent on special benefits while they deal with the long term effects of detention. It is also devastating for those remaining; they know that it is still impossible for them to return safely to the homes from which they have fled, they know that Australia has again ignored their needs.

Once they finally arrive in Australia as accepted refugees, they face the real implication of their new visa. They have not seen their families for about 4 yrs, and must wait another 3 or 5 years before being able to have their application for permanency reconsidered. Assuming that is successful, there will be another wait for up to the best part of another year for the visa to arrive. They are also damaged by their helpless years of detention; it is not realistic to expect them to work productively without ongoing counselling and medication; they will not be able to save the money needed to reunite with their families - if the families still live - 10 years after they left. This is an unbelievably cruel policy; it should be compared with that of New Zealand where Afghan men from the same villages, who travelled on the same boats, are now New Zealand citizens. I can only wonder if the children of these men will ultimately hold Australia responsible for their wasted lives.

I also see the effects of the uncertainty of temporary visas on people who have been living in our community for several years; I have accompanied many of them to their DIMIA interviews, I have heard their stories, and have seen the devastation in their lives when their applications for permanency are refused. I see unbelievable stresses in families and in single people. I hear of their inability to describe their fractured lives to their families. Surely the fact that virtually all negative DIMIA decisions are subsequently overturned by the RRT indicates that the DIMIA process is deeply flawed, and that these damaged people should never be put through this process.

c the adequacy of healthcare, including mental healthcare, and other services and assistance provided to people in immigration detention;  
I understand that the services provided by IOM to the people on Nauru are generally adequate.

However no mental healthcare service provided in any detention centre (or off-shore processing centre) can do more than medicate to suppress symptoms because it is the open-ended detention that causes the ever increasing frustration, depression, and anxiety.

Thank you for reading my submission.

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