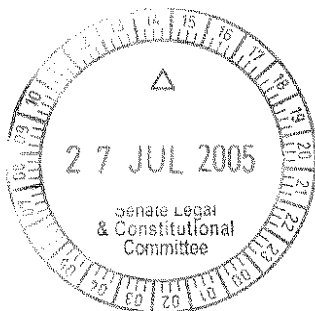


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25 July 2005

Committee Secretary
Senate legal and Constitutional Committee
Department of the Senate
Parliament House
Canberra
ACT 2600

Dear Committee Secretary,

I wish the following submission to the Senate Inquiry Into the Administration and Operation of the Migration Act 1958, specifically the Immigration Department's policy and management of immigration detention to be considered.

The inhumanity of locking up people who have felt a real imperative to flee from cruel and atrocious regimes and regions of anarchy is not just callous it also breaches fundamental human rights.

The long-term forceful detention of asylum seekers coming to Australia is a cruel and unwarranted practice when a more humane alternative is available. The forceful detention appears to contravene Article 9 of the Universal Declaration of Human Rights where 'no one shall be subjected to arbitrary arrest, detention or exile' and Article 11 where 'everyone charged with a penal offence has the right to be presumed innocent until proved guilty...'. Article 14 (1) 'everyone has the right to seek and to enjoy in other countries asylum from prosecution.

Detaining asylum seekers for long periods of time is cruel since not only are they denied freedom, the experience of that detention will have a detrimental effect upon their mental and physical health. Those who eventually receive a visa for permanent settlement will, because of their detention traumas, need more attention from the health and social services.

Locking up children, especially with adult detainees (who may be demented because of their long incarceration), is a very heartless and dangerous practice (exposing children to situations they should be protected from) that will likely have permanent adverse consequences.

Asylum seekers in mandatory detention for long periods and those who guard and provide services are dehumanised to an extent because of their experiences. This too will manifest in dire social consequences

The inadequacy of health services in detention centres, especially mental health, has been highlighted by the Palmer Inquiry. This must be a salient point to address urgently if future repercussions are to be avoided.

Releasing asylum seekers, who are not a threat to Australia, into open society after their health and background have been checked, is a fairer, humane and less expensive way of managing asylum seekers than is the present practice that appears to be driven by political expediency (embroidered justification for claims that were subsequently disproved).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Card'.

John Card