

Don Stokes
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Submission to The Inquiry into the Administration and operation of the migration act 1958

Terms of Reference

- 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;
- B) the activities and involvement of the Department of Foreign Affairs and Trade and any other government agencies in processes surrounding the deportation of people from Australia;
- C) the adequacy of healthcare, including mental healthcare, and other services and assistance provided to people in immigration detention;
- D) the outsourcing of management and service provision at immigration detention centres; and
- E) any related matters.

Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
Parliament House
Canberra ACT 2600 Australia
fax: (02) 6277 5794

Dear Committee Secretary,

I am an ordinary citizen concerned about the willingness of this Government to prey upon defenceless people and take advantage of their desperate plight for political gain.

My submission is public and may be published by the committee.

I wish to submit material to the above inquiry addressing the above terms of reference as follows:

Culture of racism and disregard towards human rights within DIMIA and the Federal Government

The Previous Minister for Immigration and Multicultural and Indigenous Affairs, Phillip Ruddock and the present Minister, Amanda Vanstone, have both publicly displayed an open hostility and contempt towards refugees.

They both support the Howard Government's involvement in the illegal war in Iraq which has claimed thousands of Iraqi lives and rendered the country unstable and dangerous, whilst decrying people fleeing the area in legal pursuit of asylum as being 'Illegal Immigrants'. They have simultaneously been instrumental

in resisting requests by the UNHCR to inspect Australian detention facilities, because of the violations of human rights occurring within them.

When the Prime Minister lied to the public in 2001, claiming that refugees had thrown their children overboard, Phillip Ruddock supported the 'children overboard' claims. Minister Vanstone has failed to challenge the PM's claims. The Prime Minister has implied on a number of occasions that refugees are likely to be terrorists.

The behavior of DIMIA in the inhumane treatment of refugees as illustrated by the high profile cases of Rau, Alvarez, Quasim, and the deaths of 13 detainees indicates a degree of incompetence and malice reflecting the attitudes of the past and present Immigration Ministers.

'The Age' Tuesday July 19 has a report of the assault of a woman held in Baxter due to cultural ignorance and the failure of the duty of care by ACM. This case indicates the vulnerability of detainees because of the lack of mechanisms in place to protect them from abuse.

Considering the entrenched attitudes of the Ministers and of DIMIA, there was never any authority of good will or honorable intent to administer the behavior or performance of ACM. It was therefore inevitable that in the conflict between refugees' welfare and profits and political expediency, the refugees would lose out.

Children were and are held in an environment inappropriate to normal development and are often exposed to violence and suicide attempts.

Bridging visas and TPV's

The restrictive nature of bridging visas, some of which prevent people from earning a wage, accessing medical care or educating their children is further evidence of malicious intent by the Government, and the administration and enforcement of these visas are evidence of malicious intent by DIMIA. If not for the goodwill of local communities and refugee support agencies such as the Asylum Seeker Resource Centre and the Fitzroy Learning Network there would be cases of people dying for want of basic medical and nutritional needs.

Forced repatriation

There have been 4 documented cases of people killed on forced return to country of origin. It is possible that many more have died without our knowledge. Ministers Ruddock and Vanstone claim it is not the business of the Dept. Foreign Affairs to monitor the fate of returned detainees.

In one case of forced return DFAT officers gained media fame when an eyewitness publicised their brutal restraint of a terrified refugee in a passenger plane.

Government failure of duty of care and accountability

In October 2001 a vessel referred to as the 'Siev-X' sunk in international waters, inside the Australian aerial border protection surveillance zone. Approximately 146 children, 142 women and 65 men perished. The Prime Minister falsely claimed that it sunk in Indonesian waters. Despite the fact that the boat was under surveillance by Australian authorities at the time, and there is circumstantial evidence of Australian knowledge of the perilous condition of the vessel prior to sinking, and that Australian forces may have been close enough to rescue the refugees, the Australian Government refuses to allow a judicial inquiry into the matter.

John Howard's failure to instigate disciplinary procedures against the former head of DIMIA, Bill Farmer, instead granting him a diplomatic post, indicates the true level of Government contempt for refugees and asylum seekers.

The establishment of a bill of rights applying to all people on Australian soil, together with the enforcement of minimum standards of ethics and behavior in Government would be the least we could do to regain our collective humanity in the wake of this disastrous period in our history.

Don Stokes.