

Greenslopes Q

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

Dear Sir/Madam,

I write as a person who for the past twenty-five has been intimately involved in the resettlement of migrants and refugees into the Australian community here in Brisbane.

For any refugee to begin the journey of healing and restarting life, the first and most essential requirement is a knowledge that one is safe and secure – in a place from which one will not be forced back.

As I have witnessed over these years, in so many cases of people who have come here from many corners of our world, that the struggle to establish oneself and one's family in a new culture, in a strange environment, is long and demanding. Policy changes over the past fifteen or so years have placed those who have been deemed unauthorised arrivals in exactly that situation of uncertainty and insecurity most inimical to their successful resettlement. While it has never been the case that we Australian-born have welcomed newcomers with open arms, rhetoric and policy have progressively become more aligned to the fear and suspicion that has historically been the initial reaction of large sections of the community to each new wave of refugees.

Much has been said of the effect of detention on the mental health and well-being of those who have been held. It needs to be recognized that detention itself is a causal factor in this situation. The detention centres should not be run by private concerns with no clear accountability, whose personnel have inadequate training in dealing with people in cross-cultural situations who are already suffering trauma from their prior experiences.

The policy of granting only temporary protection to those whom we determine genuine refugees needs to be abandoned. The separation from loved ones that this causes is totally contrary to our belief in the centrality of the family in our national life. I have seen the intense suffering this causes and I have to say I consider it inhuman and unjust. What justifies our keeping family members apart for four five six or more years? Rebuilding careers, finding work, establishing homes are all made even more difficult by this policy and law-imposed situation where people wait and wait on decisions as to their future status.

Damaging, too, has been the belief fostered by Government, that the genuine refugee is the one whom we select from overseas: this has resulted in division in our country within the refugee community itself, where those who came via our offshore programme have been led to blame those who came by boat for the fact that they have been unable to bring relatives.

I wonder, too, about the longer-term outcome of our present law and policies - how are we going to explain to the next generation why we held their parents in detention and why we failed to give them full protection when we gave them refugee status? Why we kept children from knowing their fathers when we know from our own wartime experience the effect this can have? It has been my experience that refugee parents will endure the loss of much, including any prospect of continuing their own careers, if they can gain a better future for their children and grandchildren, but will these children in years to come be forgiving of our treatment of their parents?

I am also concerned about the fate of those who are being held offshore, whether on Christmas Is or Nauru. There seems to be a situation where Australia is relinquishing its responsibility for these people. Why is access to these detention centres made so difficult? It seems the Government hides behind a selective interpretation of the Privacy Act that protect the state rather than the detainee. While they may be in another country, who put them there? Why are we, a nation founded on this idea of imprisoning people in a far-flung penal colony, now repeating this system by imprisoning off-shore those we will not allow to enter this country? This whole idea that we can export our detention system off-shore needs to be challenged on legal and moral grounds.

Families may be being released from detention but what about those people held without accompanying family members? They too are suffering separation from family and an inability to know what has happened to their families? What justifies their being kept in detention? Why are some being forced back to their country of origin on the grounds that today such and such a province is deemed safe?

In conclusion, I believe that migration law and policy regarding those who come to our shores seeking protection needs reform. There is no place for indefinite detention of asylum seekers or temporary protection visas for genuine refugees. Community welfare organizations have put forward better ways of dealing with those who seek protection. We can maintain our border security without it being at the expense of the human rights and the health and well-being of our fellow human beings. A just balance needs to be sought and law and policy needs to recognize both rights.

I think above all there needs to be a thorough examination of why we react in such an exaggerated way to the arrival of such a small number of people. Why do we fail to acknowledge that it is precisely such people who have had to leave their own countries who have already contributed (and who will continue to do so) so much to the life and development of this country?

Yours sincerely,  
Genevieve Caffery.