

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

Submission to the Senate Inquiry into the administration and operation of the
Migration Act 1958
by James Poland
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I am appalled at how those seeking asylum in Australia have been treated by the
Australian government

1) That asylum seekers have been locked behind bars, often solitary, when they
have done nothing wrong except seek asylum in Australian territory.

While their whereabouts needs to be supervised, no detention is necessary
unless there is perceived to be a risk of absconding or a security risk.

The fact that someone's identity has not yet been proven, or that a visa has
not yet been granted, is not a valid reason to detain people behind bars.

The fact that the vast majority of asylum seekers are granted visas
indicates that harsh detention is unwarranted.

The suffering it causes outweighs the benefit of deterrence.

2) Access by those willing to help, support, provide assistance and legal
representation has been restricted.

There is no threat to security or proper legal process from allowing such
access.

3) Severe psychological damage has been caused to many in detention.

Detaining people without providing reasonable hope of being processed in
reasonable time creates despair and long-term damage.

This is particularly so for children, who should have access to education
and reasonable freedoms.

5) The length of time that it has taken to process some applications has been
totally unsatisfactory,

increasing the psychological and social damage done.

4) People have been detained when actually Australian citizens, or in need of
psychiatric care.

5) Those responsible for the actual care of detainees appear to be incompetent
at managing them humanely.

6) The Department, and the Minister, appear to be defensive and uncooperative in
investigating claims of poor treatment.

There is no need for secrecy in how particular cases have been handled.

7) The existence of bridging visas provide little certainty, and poor access to
resources.

Asylum seekers should be provided with more certainty, within a shorter
period of time.

8) The fact that women and children can now be detained in community housing,
but only when separated from their husbands and fathers,

is ridiculous and a thoroughly unhelpful way of assisting those in such
difficult circumstances. The family unit needs to be kept together.

Yours sincerely,
James Poland