



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

Re Inquiry into the administration and operation of the Migration act 1958

Dear Senators,

I have been following the fate of asylum seekers from the time Tampa was at first prevented from rescuing and then bringing the survivors of Palapa to Australia. All of them ended up in detention centers in Nauru. Since then I have been corresponding with many people in Nauru trying to keep their spirits up. Here, in Melbourne, I am in constant touch with refugees on Temporary Protection Visas.

I urge you to consider the plight of people escaping from persecution and war; in need of protection, care and respect. The current system has to be reviewed. Indefinite mandatory detention is destroying ordinary people, already traumatised. Should the people that haven't committed criminal offense be treated like criminals?

The Palmer's Report revealed many malpractices of the existing system which suffers from lack of understanding, inefficiency and lack of public scrutiny.

The current practices have to be carefully examined and reformed/ abolished. They are unlawful in view of international conventions, fiscally irresponsible and morally reprehensible.

* The system of mandatory detention should end. Everyone has the right to seek protection when in mortal danger.

* The system of Temporary Protection Visas should be abolished: the asylum seekers found to be genuine refugees in need for protection, should be offered permanency as soon as practicable. Many asylum seekers had been simply left to linger, without their cases being reviewed for months and years. It has been left to lawyers, advocates, journalists to alert the public about the fate of those in detention.

* Incarceration of children must never happen again. The practice is cruel and against the international convention for the protection of the child.

* The duty of care, while people are detained, should be the responsibility of DIMIA ; its work must be competent, its decisions transparent and opened to scrutiny. It appears that the decisions of DIMIA are arbitrary at best and politically motivated at worst.

* The detainees in Nauru should be treated like other asylum seekers. It is disingenuous to maintain that they are being held by the Government of Nauru.

* The cases of the detainees held in Nauru must be reviewed promptly. Most have been held for more than three years as a result of DIMIA incompetency. Many cases were mishandled and only reluctantly re-examined. As a result most of the asylum seekers in Nauru stayed there for much longer than necessary. It is worthwhile to remember that at the time when the camps were established we were promised that the processing would be prompt and efficient.

Let's hope that those who are still awaiting the results of yet another review, won't lose their sanity.

Halina Rubin