

Submission to the Senate Committee Inquiry into the administration and operation of the Migration Act 1958

From:

Linda Anchell
Burra Creek
NSW
29 July 2005

About : Length of time detained asylum seekers spend in detention *after* acceptance as refugees. An additional issue is departmental transparency being hidden by “privacy considerations”.

My special concern is about appeals **by the Minister** against judgements which determine that asylum seekers *are* refugees.

An Iraqi man in Baxter with whom I was corresponding was accepted to be a refugee in September/November 2003. He was then not released until October 11th 2004. In the meantime he was very ill. He stopped eating, was placed in the management security unit on and off for five months to “force” him to eat and he also lost much of his English.

I spoke with my local member (Gary Nairn MP) who wrote to the minister for on my behalf. He sent a copy of the reply he received from the minister. In it, Senator Vanstone wrote: “You will appreciate that privacy considerations prevent me from providing information about individual cases. However, I can advise that Zana... is aware of the issues associated with his case and is informed of any developments.” (11 June 2004)

I learnt after Zana’s release that the reason for his continued detention was not “suicide watch” as I had surmised; not “security checks” as Senator Andrew Bartlett suggested at a Public Forum where I asked; but an appeal against the refugee decision.

The ‘privacy considerations’ which prevented Senator Vanstone giving Gary Nairn any information may have been protecting the Minister instead, not the detainee.

I know of three cases of asylum seekers who have won cases in the full federal court and have had these decisions appealed. This had similarly added almost twelve months to their detention. In two cases (Amir and Ashraf and family) the appeal was withdrawn just before it was heard. In the other case (Abolsa) the minister lost the case in the High Court.

Many aspects of the processing of refugee visas for asylum seekers are remiss, especially knowledge of conditions in the countries from which they flee. I trust senators will already be aware of that deficiency in the system.

The practice of appealing decisions which are favourable to the refugee adds an unnecessary burden to the processing of visa applications.

I note that recently, Peter Qasim spent some weeks still detained after being granted, and accepting, a Removal Pending Visa. The Australian public were told that "security checks" were needed before his release. I thought these checks were done early in the time of detention, the mandatory nature of such detention of asylum seekers being seen to be necessary for health and security checks.

With thanks,

A handwritten signature in black ink, appearing to read 'Linda Anchell', is centered on the page. The signature is fluid and cursive.

(Linda Anchell)

(Anglican Deacon,
member of the Canberra Refugee Action Committee)
29 July 2005
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Names of refugees in this submission can be supplied if required. Only first names have been used.