In their Voice - Experiences of Australia's Mandatory Detention Policies

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The Australian Government’s approach to asylum seekers since the Australian Labor Party introduced mandatory detention in 1992 has been increasingly harsh and punitive. Legally, asylum seekers are dealt with under the 1958 Migration Act, which incorporates Australia’s obligations as a signatory to the 1951 Refugee Convention. Since the influx of Asian asylum seekers in the 1970s the Act has been systematically politicised.

One example of this is that the Australian Department of Immigration and Multicultural Affairs no longer accepts the group determination process of the United Nations Human Rights Commission (UNHCR) whereby whole groups found to be persecuted could claim asylum. Instead the Department requires asylum seekers to prove individually their claims for asylum. The politicised approach coupled with indefinite mandatory detention means Australian refugee laws and practices are a tool of deterrence and punishment. Australian Hon. Justice Marcus Einfeld described mandatory detention as mandatory sentencing:

Mandatory sentencing—which I prefer to call compulsory jailing—is a nasty insidious creation of our generation that not even the convict settlement introduced. What is more—compulsory jailing legislation expressly abandons the internationally agreed principle of imprisonment as a sanction of last resort, with priority given to other interest.¹

Amendments to the Act include the privatisation of detention facilities, in the late 1990s, and the introduction of temporary protection visas (TPVs). In 1999, the Howard Liberal Government introduced TPVs as the only available visas for asylum seekers who apply within Australia. The TPV was introduced as a further means to punish asylum seekers who reached Australian migration zones.

TPVs have created a group of people with second class status who are denied access to family reunion programs, contradicting the 1951 Refugee Convention.² The removal of a regular family reunion procedure means...

² The Independent Education Union, ‘End Mandatory Detention—Refugee and Asylum Seeker Policy in Australia’, 26 February, 2000, p. 4
that more asylum seekers may consider risking the journey to Australia to reunite families. Rather than working as a deterrent...the new visas were turning wives and children into new and very vulnerable customers for the people-smuggling trade.7

TPV holders are denied access to travel documents in contravention of Article 28 of the Refugee Convention. TPV holders are also denied an affordable education, access to social services, the ability to vote, and the most basic rights associated with refugee protection. The National Council of Churches has argued that Article 34 of the Convention notes that any system which keeps a refugee’s status in limbo is irreconcilable with the permanent status granted to all other Convention refugees in Australia.4

Harsh and punitive amendments to the 1958 Migration Act, the introduction of mandatory detention, the privatisation of the detention camps and the introduction of TPVs have seen Australia adopt one of the developed world’s most aggressive approaches to asylum seekers. In 2001 the punitive approach reached new heights. From 23 August 2001 until the re-election of the Howard government on 10 November, Australia stopped 2,390 asylum seekers entering its borders5. These people were denied their rights to seek asylum under the Convention. Over 350 lost their lives trying.8

By November 2001, 7,808 people were languishing in detention camps, detained under the provisions of the Act. In November 2002, 1,282 remained in the camps. Less than 600 arrived by boat.7 Noting that most inmates are found by Australian authorities to have a good case to remain in Australia, clinical psychologist Zachary Steel, wonders at the social and human cost of detention:

I believe that we're taking survivors of some of the most ruthless political regimes and destroying what little resilience they have left. And we're really breaking people and making it extremely difficult for them to make an ongoing productive contribution to Australian society. And I suspect that this is going to place a large burden on the health system, as people get released from detention.8

The financial cost of the policy of mandatory detention has been approximately $104 million per year.9 This does not include the $116 million spent in 2002/3 in off-shore processing, introduced as part of the Government’s ‘Pacific Solution’.10 Many asylum seekers languish indefinitely in the camps, and the cost to the Australian taxpayer is high. Given the levels of government funds used to maintain these camps, social expectations of transparency and accountability should be significant. Yet, the story of life inside the camps is rarely told.

Domestic and international journalists and their equipment are banned from Australian and offshore detention camps. The Minister for Immigration argues that this protects the identity of the asylum seekers. In fact all it does is ensure that they remain silent, hidden and marginalised. Only a few glimpses of life in detention camps, such as Debbie Whitmont’s ‘Inside Story’11 have shown the brutality of life in detention. Such images of razor wire, mute children and traumatised parents show us the human tragedy of Australia’s immigration policies. Added to the experience of detention is the inability of asylum seekers to tell their story.

On Australia Day (26 January) 2002 the plight of refugees was, not for the first time, front-page news in Australian newspapers. Since the Tampa Affair, Australia’s refugee policies have been carefully manipulated and constructed in the mainstream media. Generally, the asylum seekers are portrayed negatively. With no access to those being detained the mainstream media relied heavily on the Minister for Immigration for details regarding the conditions inside the detention camps. The majority of the media slavishly reported the Minister’s every conjecture and rationale with little or no clarification, independent assessment or criticism.

According to Australian journalist Mungo MacCallum, the Australian media generally accepted the media banns on the detention centres and on the naval blockade of the Tampa. The Government’s claim of national security seemed to be enough to ensure silence, or at least acquiescence and ‘by and large the media sat back and copped it. It was not Australian journalism’s finest hour. The once feared rat pack had been reduced to a somewhat grumpy mouse pack.’12

By the silenced and marginalised asylum seekers in detention camps the reality was well understood. Without the opportunity to challenge the claims being made, especially by the Minister, unable to challenge the language being used to portray them as ‘deviant’, they became and remain increasingly victimised, traumatised, and hopeless.

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5 Marr and Wilkinson, op. cit. p 287
6 SIEX is the acronym for Suspected Illegal Entry Vessel X (the X stands for unknown). It is the name by which we have come to know the dilapidated, criminally overloaded Indonesian fishing boat that sank en route to Australia’s Christmas Island in October 2001 with the loss of more than 330 lives, most of them women and children. Available at http://siexv.com/ accessed 1/2/2004
7 Figures from Department of Immigration Fact Sheet, No. 82, ‘Immigration Detention’, available at www.dmiia.gov.au/facts/82detention.htm#2
9 Department of Immigration January 2002 ‘Rebuttals to False Information Relating to Immigration Detention’ cited in The Independent Education Union, op. cit., p. 6
Some of this frustration erupted in riots on Australia Day 2002 and again in the last weeks of December 2002. Fires and protests occurred daily between 27 and 31 December at the Baxter Detention Centre in South Australia and there were riots at the Villawood Detention Centre in New South Wales. The mainstream media’s coverage concentrated on the financial cost and property destruction. Few journalists asked why the riots occurred.

The frustration felt by asylum seekers, in part because of the media ban, directly contributes to suicide, suicide attempts, self mutilation and other forms of self-inflicted harm. The portrayal of asylum seekers as rioters, people who throw children overboard, sew their lips together for sympathy, and as ungrateful for the sanctuary of a detention camp, contribute to the isolation and rejection that they feel.

None of the asylum seekers currently detained in the camps has been charged with a criminal offence. They have never faced a criminal court and there have been no convictions for entering Australia. Yet many report the feeling of being imprisoned in a jail, and repeatedly ask what was their crime.

The conditions inside Australian detention camps appear to resemble prison life. Asylum seekers are given identity numbers, have regular security checks, set meal times and limited visits. And of course they are detained, under surveillance, surrounded by razor wire and electric fences and guarded. Dr Aamer Sultan, a former detainee at the Villawood Detention Centre, interviewed secretly for the ‘Sunday Program’ said, ‘The fences are not to protect us but to stop us being seen.’ The fences are also to stop them being heard.

Life Behind the Wire
The portrayal of asylum seekers, with few exceptions, offers little opportunity for Australians to see the human side of this tragic situation. For those brave enough to have their stories told, punishment is guaranteed. The interviews for this chapter were an opportunity for two asylum seekers to tell their stories. They have agreed to speak because it is their story and it has a legitimate right to be told. Both men began their journey to find asylum as young boys; now they are young men, but the journey continues.

Hisham turned twenty-one in 2003. For most Australians a twenty-first birthday is an event to celebrate, but Hisham faced it inside the Villawood Detention Centre. It was his third year in detention. His story of boyhood to manhood follows his family’s journey from Teheran to Woomera. He decided to stay in Australia. His family returned to the Middle East in 2001. His mother, an Iraqi, was arrested on return to her adopted country. She now faces deportation to Iraq. His father and other siblings are now scattered across the Middle East. The location of one of his brothers is unknown.

Hisham arrived in Australia by boat, in 2000. He is facing his fourth year in detention. His story is one of fear, anger, and depression. It is also a story that does not have an ending. He is facing a very uncertain future and he is facing it alone. My first interview with Hisham was held in 2002, the day Dr Carmen Lawrence resigned from the opposition front bench because of the Labor Party’s policy on asylum seekers. As the heat of December surrounded us, Hisham began his story sitting underneath a gum tree surrounded by guards. Quietly, I asked him to tell me about his life in Iran. This is his response.

Hisham’s story
I had a good life. We were not very rich but we had a good life. My father is a mechanic and we had the things that we needed. We owned a home, a car. Compared to others we were rich. In Iran people are very rich, rich, middle or poor. We were rich. I was born in Teheran. I went to school until year ten (16 years old), I was happy, we had a good life.

School was good and bad. I learnt to read and write Persian, mathematics, art, and sport. In my second year of school I also learnt science, geography. In years three, four and five I learnt Iranian history, and religion. We had to learn religion. We didn’t have a choice about that. I went to Middle School for three years. I learnt science, Arabic, English, Iranian history and geography. Then I went to High School. I liked it. Here I could learn things I was interested in. You could learn more about history, if you were interested in history. I left the middle East in January 2000 in my last year of High School; I had three months left before I got my certificate. I would have loved to finish school. But I had to leave because of the situation.

What impact did Iranian politics have on your childhood and your family?
In my country they take you out of politics; they force you to just be interested in religion, not politics. I only bought Iranian newspapers about sport, not about politics. It was not encouraged. My father talked about politics with my older brother. He was at university. He was studying computers in Teheran. Before the revolution my father was a member of Rasta Khizeh. They were against the Shah of Iran. They helped to change the Shah but they did not help Ayatollah Khomeini. But Khomeini came and they killed all the group’s leaders. The Shah had the power of the people. I knew that this was a dangerous period for my father. I knew it was dangerous to talk about politics. My father and brother would talk quietly, in the home, not in the streets. What I heard was that lots of groups didn’t like the monarchy they wanted democracy; that is why they were against the Shah. All of the groups were against the Shah, the communist party were against the Shah, Mujahadin were against the Shah and they...
I was eighteen all men must do military service, with no exceptions, unless you have a physical problem or you are at school or university. You have to do it. If you are at school or university then when you finish you still have to do it. If you are then a doctor you train as a police. Long hair, a t-shirt with something written on it or a hole in our clothes meant that we had to go to the police station. We were arrested for these things. My parents had to go to the police station. My mum had no residency documents and we had more and more problems with the government. My parents decided because of this problem with the government, they decided quickly to leave. They told us we were going to leave Iran. We were going outside. I didn’t want to leave, I had a good life but I understood because of my mum’s situation we had to leave. It was a problem for my mum.

As a teenager how did the political situation effect you? What future did you face?

When we are eighteen all men must do military service, with no exceptions, unless you have a physical problem or you are at school or university. You have to do it. If you are at school or university then when you finish you still have to do it. If you are then a doctor you train as a police. Long hair, a t-shirt with something written on it or a hole in our clothes meant that we had to go to the police station. We were arrested for these things. My parents had to go to the police station. My mum had no residency documents and we had more and more problems with the government. My parents decided because of this problem with the government, they decided quickly to leave. They told us we were going to leave Iran. We were going outside. I didn’t want to leave, I had a good life but I understood because of my mum’s situation we had to leave. It was a problem for my mum.

During this period of your life what were your plans for the future?

I was finishing school and working with my father as a mechanic. Maybe I would have gone to university to be a mechanical engineer. My father was a mechanic. I had a girlfriend. I was going to have a normal life. Maybe study at university, be a mechanic and get married. I was working for fun, I was learning.

When did it all change?

In one week we decided to leave Iran because of my mother’s situation. She was married illegally and this was a problem for us. Iranian rules say she can’t be married to an Iranian because she is an Iraqi. (She left when she was six years old) For a long time it was not a problem but because we, the kids, were getting older, we were getting in trouble with the police. Long hair, a t-shirt with something written on it or a hole in our jeans meant that we had to go to the police station. We were arrested for these things. My parents had to go to the police station. My mum had no residency documents and we had more and more problems with the government. My parents decided because of this problem with the government, they decided quickly to leave. They told us we were going to leave Iran. We were going outside. I didn’t want to leave, I had a good life but I understood because of my mum’s situation we had to leave. It was a problem for my mum.

How did you escape Iran?

We knew that we could make a fake passport for my mum. My father had a passport. It was a real Iranian passport but not in my mum’s name. It cost US$500 for one passport for Mum. All the kids were on Mum’s passport. It cost another US$100 to change the photograph. We were in Teheran. We went to the international airport. The immigration official knew that it was fake. She lifted the corner of the photograph. She knew. My father asked to see her boss. My father then went with the boss of the immigration officer into a room. He paid him some money. We left Iran saying we were going for a holiday. We flew directly to Kuala Lumpur, Malaysia. We had tourist visas. When we got off the plane we found the people smuggler. It has already been arranged. We stayed one week in Malaysia in a hotel room.

How did you feel about this?

I was excited. I knew that it was dangerous. I knew that it was. I knew that the passport was false. We decided, in Malaysia, we all talked about going to the UK. I was happy about this because there were no political problems in the UK. I would have my freedom. I could have my long hair. I could have some personal freedom. I could have a normal life. I could go to clubs and have feelings like that. In Iran I felt oppressed by the politics. It was not free. In Iran, the parties were hidden, girlfriends and boyfriends were scared, and it was social oppression. We had relatives in the UK. We had lots of knowledge about the UK and I knew that I would have social freedom.

How did you feel about the people smugglers?

In Malaysia we were a toy for the people smugglers. They were playing with us, taking our money. Going from here to there, they knew we had no travel papers. We told the people smugglers that we wanted to go to the UK. The people smugglers said that that was OK but that we would have to go to Singapore first then we could go to England. Another people smuggler told us that we needed new passports and had to get visas. It was a problem to travel on an Iranian passport. The people smuggler made Saudi Arabian passports because then the visas would be easier to get. This was not a problem for us because we could speak Arabic. The passports
cost US$1,000. We were only in Singapore for one or two days. There was a different people smuggler. The people smugglers passed us from one smuggler to another, playing with us. I think now that the people smuggler planned to send us to Australia all along.

With the Saudi Arabian passports we didn't know that we could go to the US or UK embassies and get a visa. We found that out here at Villawood. We found out that we could have done it. Then I wouldn't be here now. From Singapore we travelled to Indonesia. The people smuggler told us that from Indonesia we could go to the UK. We didn't have a choice we had to believe the people smuggler. We had to trust them. The boat from Singapore to Indonesia was a ship. It was a tourist ship to Java. We went through lots of islands. I was still excited; I had no fear, nothing at all. We ended up in Jakarta. I heard that that people smuggler was caught.

**Did you keep trusting the people smugglers?**

In Indonesia we had another people smuggler. We felt stuck in Indonesia. The people smuggler suggested that we go to Australia and not the UK. We wanted to go to the UK so he said that there was another way. We had to pay US$5,000 for each person. The people smuggler then told us that there was a problem in England and that if we went to England that they would deport us back to Indonesia. I didn't know that this was not true. If we had the correct information, I would not be here. We asked the people smuggler if there was anywhere else. The people smuggler said we would have to go to South Africa. My father said that there would not be any more immigration officers and false passports. He had had enough of it. The people smuggler said that Australia was an easy way and cheap money. I was in Indonesia and I didn't even know where Australia was.

**What did you know about Australia?**

I had seen a soccer match played in Australia in I think 1991 and I had seen a movie on the television, I think it was called 'Skippy Kangaroo'. That's all I knew.

**But you decided to go to Australia?**

We told the people smuggler that we have no relatives in Australia. The people smuggler told us that Australia is a big country, with a small population. They needed people. Australia was a good country. It was under the UK, so it was the same as the UK. We understood that this meant that Australia was the same as England, with the same rules as England because Australia is under control of England. The people smuggler took our passports to put Australian visas in. We didn't want to be stuck in Indonesia. We didn't trust the people smugglers. The people smuggler said he would send us to Australia by ship. We thought that this meant that it was like the tourist ship we came to Indonesia on. My mum was scared of the water, she can't swim. The people smuggler told us that we would get our passports back on the ship. We had been in Indonesia twenty days now.

**Can you tell me about the night that you left Indonesia?**

We were in Bogor. The people smuggler told us that he would come at 2am to take us to the ship. He came and took us to a beach. We were taken to a small boat, just our family. We were in this boat for 20 minutes. We thought that this small boat was taking us to the ship. After this boat we would be on the ship. We thought a couple of hours on the ship and we would be in Australia. Then we saw the small boat ahead. It was maybe 5 metres by 20 metres. We thought that nobody could be that stupid to take that boat, to take that route. On the small boat were 284 people. We saw the boat; we keep asking what is this? Is this the ship? My mum was screaming and crying. She wanted to go back. The people smuggler said that she could go back by swimming. They put us in the boat, and we still didn't believe it. Perhaps this boat, in maybe half an hour, would take us to the ship. When we were in the middle of the ocean we finally understood. It didn't matter anymore, we just wanted somewhere to land, somewhere to come out of the ocean. For three days, in black water, storms and raining I was scared, really scared. The only thing was the dolphin. They came and travelled with us.

**What happened when you reached Australia?**

When we were about to land on Christmas Island the police came on board. We were happy, we were all alive. The police officers read us some of the 1951 Convention on refugees and law, in English. One of the other refugees translated it for the people who could not understand English. I understood from this and what the police said that because we came into Australian water then Australia had to accept us because of the 1951 law and rules.

The police told us to put in our application as a refugee. We were told that if we accepted the rules of Australia we would be accepted as refugees. One of the rules was that we had to go to a centre for forty-five days for a medical check then we could live in the community until the immigration process decided what would happen to us. This was told to everybody on the boat, while we were coming to land on Christmas Island. The police officer then said that if we accepted these laws and believe in these laws we would have to sign a piece of paper. The one person translating signed one piece of paper for us all. Then they let us off at Christmas Island. On Christmas Island we had a medical check and if we had a problem they gave us medication. They wrote our names and gave us some numbers. They were respectful on Christmas Island and treated us well. We were happy. We were alive and we believed that we had come into Australia legally. This meant that we were not illegal. They had read us the refugee laws and the Australian laws, we agreed with these laws, and the paper
was signed. We understood this to mean that we were accepted as refugees and we were legal.

What happened when you left Christmas Island?

All of the 284 people on the boat were taken to Perth. We thought that this was the centre where we would stay for the forty-five days. But it was just a basketball court and we only stayed there to have lunch. There were no police now, just the ACM people. After lunch we went back to the airport and to another plane. The ACM guard said that we were going to another place that is cold same as Siberia and as hot as the Equator. We thought that he was joking, because he was laughing. We thought we were just going to another part of Perth and that Perth didn’t seem like this. The ACM guard then said that we were going to the desert with kangaroos, snakes and scorpions. Again he was laughing and we thought that it was still a joke. Five minutes before we landed I was looking out of the window. There was no city. We waited to see the lights of a city. When we landed and saw that there was no city we understood that we were in trouble. They took us out of the aeroplane, the wind was hot, and we knew the joke was true. Inside a building one Iraqi translated for us. The ACM guard was Iranian but spoke in English. We were asked if we spoke Persian. Then we were told the rules of the centre. We were told that ACM was not the police but if we caused a problem they would get the police. We were told that there were 1300 people in the centre and if we behave ourselves we will get three meals everyday. My mother asked when will get out of this hell? The Iranian guard said, ‘You came by your feet only God will take you out’. This has a specific meaning to Iranians and we finally understood that we would be there for a very long time.

What would you like to tell me about Woomera Detention Centre?

When I first saw it I couldn’t imagine that this was part of Australia. It couldn’t even be part of Iran. We were without a telephone, a television or a newspaper. We were not allowed to mail a letter. We ate, talked and slept. For the first six months we saw no lawyers and nobody from the Immigration Department. Nobody told us what we needed to do to stay in Australia.

Did you participate in any riots or protests while you were at Woomera?

Yes, we protested for access to a telephone. Some of the detainees were fighting with the officers. But it was only after the fighting with the officers that people from the Immigration Department came to talk to us. It was only after the fighting that they gave us some lawyers. We were fighting for many months for these things. After the fighting the detainees were separated. People think we were fighting for visas but we were only fighting for telephones and lawyers. When I was at Woomera we broke the fences and went into the town. We stayed there, we didn’t run any further. There were a lot of media and we wanted to talk to them.

After one year in Woomera we protested again. Some escaped, some burnt buildings. The guards could not control the situation. They took me to jail. By now there were only about 200 people in Woomera and new people from a new boat arrived in Woomera. Things were very different then. They were in a compound away from us. ACM didn’t want us to tell the people who just arrived about what was going to happen to them. They told the new people that we were animals and if they behave like that then they will have to stay there.

What happened after you left Woomera?

We were sent to Port Headland. It was very hard.15

At this point Hisham was unable to continue to tell his story. He explained to me his depression and inability to concentrate for long periods of time. He was taking medication but it was not helping.

Hisham participated in riots and protests while he has been detained. Helen Daley’s coverage of the Port Headland riots in May 2001 explains much of Hisham’s inability to continue. Film footage by ACM shows attempts by ACM to remove Hisham’s father from Port Headland. With his father handcuffed and being led away, Hisham responded. An altercation took place and Hisham was wrestled to the ground and handcuffed. What followed was a full scale riot at Port Headland. The ACM film footage16 of the riot is disturbing. With women and children audible in their distress, gas and pepper spray was used. Hisham remained physically restrained and audibly threatened suicide. The scenes are remarkable for a government-funded institution. The 2001 Port Headland riot remains one of the most alarming in Australia’s detention history.

Following the riots the family was transferred to Villawood Detention Centre. I can still see a small part of the carefree youth, as he must have been in Iran, with his torn jeans and his ponytail. But he is also a young man, alone and angry. In February 2002 the NSW Department of Community Services recommended that Hisham be released from detention. The Minister for Immigration ignored this recommendation. Hisham remains in detention indefinitely.

Should he be released what future does he face? Since the September 2001 ruling by the Immigration Minister no asylum seeker in Hisham’s position can claim a permanent refugee visa. The TPV represents freedom to those still detained. But for those released it is providing insurmountable problems. Depending on the classification of the TPV there are work and educational limits. All TPV holders are denied the right to vote and the children born to TPV holders are not granted Australian citizenship. In short, TPVs mean that refugees are second class non-citizens.

15 Interviews conducted 5/12/2002 and 11/12/2002
16 ‘The Sunday Program’, Channel Nine, aired 5/5/02
Surviving on a TPV

One Iraqi man has experienced life as a TPV holder for three years. His story reminds us of the best and the worst that a TPV can bring. At times he has been homeless and destitute, suffering anxiety and depression. This man's story is also one of pride and belief in the country that has adopted him from his war-torn city of Basra. I first met him days before the 2001 Federal Election. He was hopeful then and remains so now. His name is Talib and I am proud to have met him. This is his story.

When did you leave Iraq and when did you arrive in Australia?

In 1997 I left Iraq with my grandmother. We went to Kuwait. I lived in Iran, Syria, and Lebanon, Syria again, then went to Malaysia, Indonesia and Australia. In Australia I was at Christmas Island and then Woomera. I was released in 2000. I have a TPV.

Can you tell me about your life in the Middle East?

I am a poet and a journalist. My father and uncle are poets. I am also a teacher of Arabic grammar. I didn't come to Australia to make money. I came to Australia to find a peaceful place. Our problem is not with money but with the policies of governments. I didn't want to be a refugee, anywhere. But I knew that Australia would take me as a refugee, but I didn't know that the Australian government would treat me like they do. I wanted to come here in 1995. I went to the Australian embassy in Syria to come here legally. I tried to. The Kuwait government released a report from when they were friendly with the government of Iraq. The report said that the followers of Achmed Matar should be jailed and killed. I showed them my documents, and my poems that were printed in the newspapers that the followers of Achmed Matar should be jailed and killed. I showed my documents, and my poems that were printed in the newspapers. I proved that Achmed Matar was my uncle. He now lives in England and is protected by the government of England. They refused me. I do not know why. I tried to come legally, unfortunately I could not.

When did you first know about TPVs?

I rang a relative in Australia in, I think, July or August 1999. He told me that they will give you a type of visa for refugees, but first you must stay in a detention centre. I did not realise what that was. I thought that is was to separate the good people from the bad people. I thought that it meant to separate the people who were refugees and the people who were not refugees. I knew that I was a refugee. I had documents. I knew that I could prove that I was a refugee. I did not understand what a detention centre was. I had never seen one before. I did not know it was a jail in the desert. I had no way of knowing what a detention centre was.

Can you tell me about your time in Indonesia?

I stayed in a village, Bogor, then went to Bali and then back to Bogor. I stayed there until I left to arrive in Australia. The people smugglers were Middle Eastern, Iranian and Iraqi. The Indonesians drove the boats. The Indonesian people were very good to us. They were friendly. They were poor people. The people smugglers told us we must pay for them to help us to go to Australia. We must pay US$3,000. But we negotiated with the people smuggler because of our situation and we didn't have a lot of money. They accepted this. We paid US$8,500 for 13 Iraqi people to go to Australia. We didn't go the first time we were supposed to. There was a problem with the smuggler. We went to the beach but did not get on a boat. The Indonesians told us we only wanted US$500 each to go to Australia, the people smugglers kept the rest of the money we paid.

Can you tell me about Woomera Detention Centre?

I was there for eight months. When we got there I didn't know for how long. All we were told is that we were to eat and sleep or we could work. We could work for $20 a week for maybe seven to nine hours every day. We could clean the bathrooms, or garden, or work in the kitchen. The money was in property and we could apply on different days to find out how much we had and to buy cigarettes. I was never told how long I would be in Woomera. I was only told that if I escaped I would be put in the jail. Four people slept in a 2 by 2 metre room. When there were more than 1,500 people, they brought in tents with no floors and then caravans. I didn't see a lawyer or a case officer for six months and a half months. They wanted to isolate us and they did. All they did was ask our names and where we were from. Nothing else. I was in a demonstration. We broke the fences. It was only then that Ruddock allowed the lawyers to come in. Once I saw a lawyer and a case officer, it only took six weeks for them to accept me as a refugee. They took my picture. They told me shave first. We knew that that meant that they needed a picture for our visas. It would only be one week until I had a visa. But there was another demonstration and the fence was broken again, caravans burnt and the kitchen burnt. DIMIA officers told us that because of the demonstration Ruddock had ordered the visas be stopped. I had to wait another forty days. When I was told I was being released I had ten minutes to collect my things and say goodbye to my friends. Then I sat in an office for seven hours. Waiting. They made me sign papers. They were in English. I couldn't read them. There was not an interpreter. I signed them because I wanted my freedom. I still do not know what they said. I was scared so I signed them. I did what I was told to do. I just wanted to be released from this hell. At 1 pm they put me on a bus and I drove me to Adelaide. I had $215. I arrived in Adelaide at 2 am. I was in the city. I could not speak English. I had no idea about Australia, where to go or what to do. I slept in the street my first night free in Australia. People from the Iraqi community found out about me and the others I was released with. They came and helped us. For two days I stayed in Adelaide and then I went to Melbourne for nine days and then I went to Sydney.
What help did you get from DIMIA when you were released?

None. Nothing. The Iraqi community helped us. They knew. They helped me to go to Centrelink. At Centrelink they told me I needed identity papers. They told me I had to have a bank account and a Medicare card. I relied upon my Iraqi friends to interpret for me because I could not speak English. ACM and DIMIA did not tell me what I was supposed to do or what papers I needed. I only had a TPV. Nothing else. Some Australian government departments did not know what my TPV was when I showed it to them. They told me I needed to get 'proper' identity papers. I went to Medicare to get a Medicare card and they told me that only refugees who had applied for a permanent visa could get a Medicare card. So I applied for a permanent visa. I paid $330 to apply. With the paper that said I had applied, Medicare gave me a card. Nobody told me that I had to apply for a permanent visa. I was glad I applied for a permanent visa, it gave me a Medicare card, but it also meant that when the government changed the rules on 27.9.2001, I had already applied. After this date you can no longer apply for a permanent visa. If I didn’t because of the Medicare card, I would never be allowed to get a permanent visa. I would only have a TPV forever.

What would this have meant for you?

It would be like refugees now. They can never apply for a permanent visa. Just a TPV and then another TPV, forever. After 27.9.2001 refugees have no right to get a permanent visa even if they were entitled to one before this date, but had not applied and paid. The government was playing a game with us. Accidentally, I was lucky I had already applied for a visa.

What contact do you have with the Australian Government or DIMIA since you have been released?

Nothing. They never came to see me when I was released. The only time I saw people from the Australian Government was when the Federal Police wanted to talk to my friend about people smugglers. I have to tell DIMIA when I move. That is all. Nothing. No visits, no checks, nothing.

What does having a TPV mean to you?

I cannot travel. My visa says ‘not valid for travel’. It is shameful. It is supposed to protect me not jail me. I am embarrassed to show it to people. I don’t like to show it to people in Australian government departments. I have a driver’s licence now; I show them that instead. I don’t show them my TPV. If I did they would not respect me. I can’t study; I can’t go to TAFE or university. I can’t go to English lessons. I get special benefits, about $430 a fortnight and I have a Medicare card. I have not got a bill for detention, but some refugees have got bills from DIMIA saying that they must pay for their time in the detention centre. I don’t know why some refugees get these bills and some others don’t. I was told that refugees could go to the Commonwealth Bank and get a $500 loan but when I asked about this they told me I had to be a resident, not a refugee on a TPV. I tried to get work, but when I show bosses my visa they are frightened to hire me because of the TPV. They think I will not be able to go to work everyday because the government can make me leave. It is difficult to get work. A TPV is like a fence around our heart. It is like there is food on the table, and I am hungry but told I may not eat. It is sad for children born here. If their parents have a TPV then the child can only get a TPV. One friend and his wife have TPVs. They had a baby here in Australia. The hospital gave them papers for the child to be a citizen. Citizenship papers. They took them but DIMIA said that the child could not have citizenship only a TPV. The child gets the same DIMIA number as the parents but they add a letter afterwards. The child can never have citizenship in this country. The government has a responsibility to this child. This child is Australian. What will happen to this child? We can’t vote.

How have you managed since you have been released?

I knew that the key to my situation was English. I realised that I had to learn the language. If not now, then very soon. English language was the key for me to show Australian people my culture and my ethics, for me to work and for me to have a relationship. It was hard for me. I am a teacher of Arabic grammar so I knew that I must learn Australian grammar first. I started to ask questions. First in Woomera, I would ask the Iraqis who could speak English to help me. Many Iraqi doctors were in Woomera and they could speak English. I would write down what they told me and put it on the ceiling above my bed. Everyday I would practise my English. It was more important than food. But I felt shy to talk to people in English. When I was released I would ask people for help. I would go the train station and ask about the next train. Australian people would say to me, don’t say it like that, say it like this. I would write that down too and practise it. I had to commit myself to talk in English. I also knew that I had to fight to get my rights. I was looking for other people to help me and to help the refugees still in the detention centres. I come from a good culture. I wanted people to know about my culture. About my ethics and about my experiences. But I was not used to living in a detention centre. Inside the detention centre and when I was released I had problems sleeping. My problems are now about the nightmare of my experiences in Woomera. In Woomera I lost my identity, my name, my humanity for eight months. I am still trying to get it back.

If the Minister were here today, what would you say to him?

Please remember your conscience Minister. Think about humanity. Be responsible, not just for Australian people but for all people. Your country signed the Refugee Convention, you should honor this signature. Give us
the opportunity to prove we are refugees and if we are not then deport us, but don’t abuse your power. Do it quickly not slowly. Let us speak; let us tell Australian people our story. That is all we want to do. Not the silence.17

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These stories are a testimony to the human struggle faced by those coming to Australia to seek asylum. In the last decade Australia’s immigration policies have undergone radical changes that do not offer a ‘fair go’. Hisham and Talib simply wanted an opportunity to prove who they were and the chance to show us what they can do. Instead Hisham, Talib and many other asylum seekers have been victimised and excluded. For the 108 children in the Australian camps at the time of writing and for the many others, now adults, who grew up in the camps, seeking refuge in Australia has been a harrowing ordeal. The playing of the populist race card by the Howard government ensures, sadly, that the ordeal continues.