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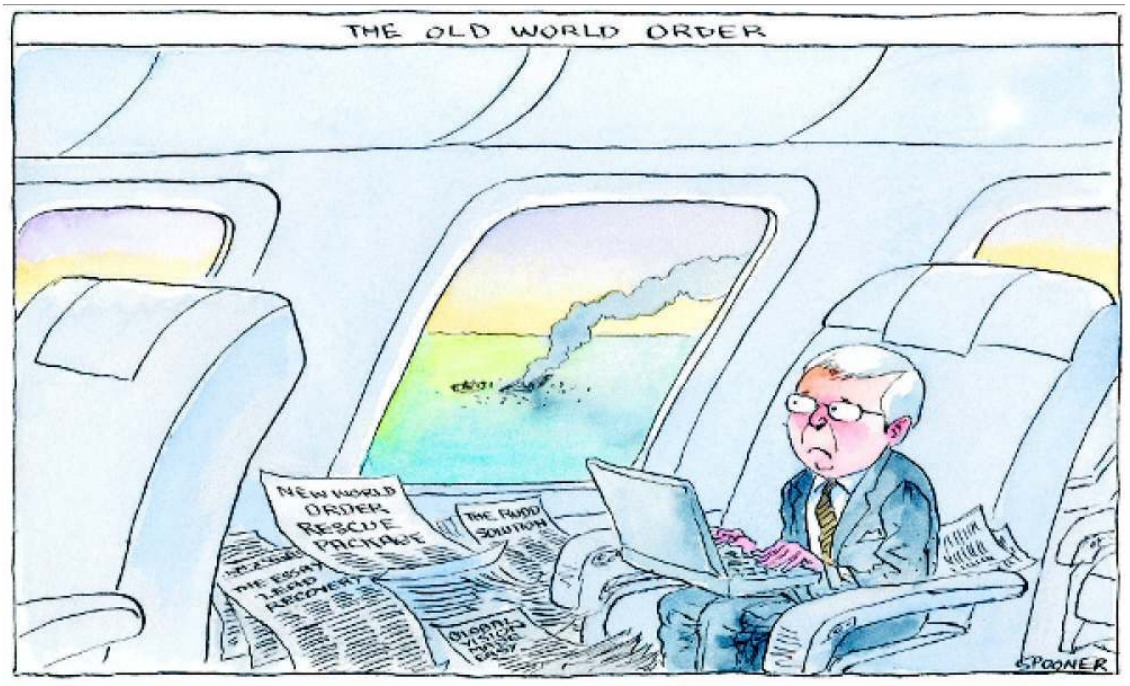
SPOONER'S VIEW




# No way back now

As a nation, we cannot contemplate the return to policies that have inflicted so much harm on people who came seeking our protection

PARIS ARISTOTLE

EVEN as the victims were being flown to receive urgent medical care, the explosion of a boat off our north-west coast dramatically inflamed discussion of one of the most contentious domestic issues of the past two decades: how should we respond to the plight of people seeking refuge who arrive on our territory without prior authorisation?

To my dismay, but not surprise, it continues to be a discussion too often marred by misconceptions, lack of rigour in assessing the evidence and a failure to engage that profound sense of compassion Australians demonstrate so readily in response to tragedies at home and abroad.

The day before the fatal boat blast, one newspaper carried a story about an earlier group of arrivals on Christmas Island under the headline: "Well-dressed arrivals were living in hotel". I don't know if those responsible for the story were just ignorant of the fact that the rich and the middle-class as well as the poor suffer persecution because of their religious faith or political beliefs, or were they implying that we should use a clothing standard to decide who deserves our protection.

I am reminded of Arif and Fahim, who spent three years in detention on Nauru and were eventually found to be refugees. At that time as well, some commentators made disparaging remarks about how asylum seekers were dressed or had journeyed to Australia.

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**‘It continues to be a discussion too often marred by misconceptions, lack of rigour in assessing the evidence and a failure to engage that profound sense of compassion Australians demonstrate.’**

Arif and Fahim had been tortured in Saddam Hussein’s Iraq, family members were murdered and both survived experiences that many of us could barely imagine. They continue to suffer the psychological consequences of that time. They have always presented as well-groomed and well-dressed. Indeed, they are two of the most impeccably dressed individuals I have met. Not because of their wealth (they are not wealthy) but because to them good dress is an expression of respect for themselves and for other people.

Over the years, I have met many like Arif and Fahim, who fled intolerable situations in their homelands in search of safety for themselves and their families. They have evoked the nation’s most generous instincts as well as its fears and prejudices. Deeply anxious that the nation was seriously threatened, successive Australian governments put in place a series of harsh measures designed to deter unauthorised refugees from coming and remaining here.

The tough regime included mandatory detention, the “Pacific Solution” and Temporary Protection Visas (TPVs). The Rudd Government has eased or ended those policies and debate now rages as to whether the reforms have caused an increased number of people to seek asylum here. I do not think that the evidence supports the view that there is such a direct link. As the United Nations High Commissioner for Refugees states, the deteriorating conditions in countries around the world are forcing people to flee in greater numbers. The phenomenon is global and the numbers arriving here are dramatically fewer than those seeking asylum in other developed countries. The changes still leave a tough process in place but one that meets our obligations as a nation to the rest of the world.

When I visited Christmas Island last year I met Mohamed, who had been to Australia before. In 1999, he was detained in Woomera and after a year was granted a TPV. In 2003, after having held down a job for three years Mohamed could no longer bear the separation from his family. He gave up his TPV in order to return and take them to the relative safety at that time of Pakistan. For Mohamed, it was not the changes to Australian policy that pushed him to risk perilous journey once more but rather the deteriorating situation in Pakistan. And so with hope in his heart again he raised the funds to pay for passage to Australia via “people smugglers”.

As calls for the reinstatement of harsh policies mount, it is critical that the discussion is informed by sound evidence about geopolitical and economic factors affecting people without faces, names and personal stories. We must also have regard to the impact of our words and our actions on Arif and Fahim and Mohamed, on all the vulnerable men, women and children whose lives and wellbeing are at stake.

Ali, whom I assessed in 2005 following his three years of detention, is another example. Early in his detention being able to call home and talk to his wife and children provided him relief because it maintained a tether to his sense of hope for them all. Eventually, those calls turned from relief and hope to dread and despair.

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Calling his children, who naturally did not understand our asylum policies, only to repeat that they had to remain apart was soul-destroying.

On his release from detention, the dread was compounded by guilt as the conditions of the TPV prevented them from being reunited in safety. He is now a shell of the person he could be, battling to regain a sense of dignity and rebuild his family life.

Our agency is presently conducting research into the psychosocial effects of long-term detention and temporary protection visas. The findings are alarming. Severe depression, sleep disorders and anxiety symptoms and serious difficulties with concentration persist years after their release. Long family separation has engendered a strong sense of failure on the part of those who are parents and deep pessimism about their ability to rebuild family relations. Belief in humanity has been shattered. Hope has been crushed and supplanted by despair. How can we contemplate the return to policies that have inflicted so much harm on people who came seeking our protection?

This week's tragedy emphasises the important nature of these issues and the imperative to discuss them sensibly. The repugnant phenomenon of "people smuggling" is critical also to address, but doing this by harshly treating those who are its victims defiles our international responsibilities and reputation.

Addressing these separate but related issues constructively is the mark of a mature nation grappling with modern global dilemmas. It is in this vein that we should respond to people seeking protection, the processing of their claims and the ensuing public debate.

Paris Aristotle is director of the Victorian Foundation for Survivors of Torture and a member of the Immigration Detention Advisory Group. Jo Szwarc, research and policy manager at VFST, assisted with this article.

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