

May 2022: Stateless and in Indefinite Detention

Supported by ARAN, RAR, G4R, & NARN

Available to download at: <https://ruralaustraliansforrefugees.org.au/write-a-letter>

Said Imasi



Pre-2010 (in Norway)



2018 (Courtesy Guardian Australia)



2020 (Courtesy Press Media of India)

Included in this kit is the information you need to create your own letters

- Background notes prepared by ARAN’s Letter Writing Network.
- A sample letter - please personalise before sending.
- Addresses for MPs and Senators

NOTE: If you are sending an email be sure to include your NAME and ADDRESS

The Subject line of your email could be - - **Stateless and in Indefinite Detention**

Personalised letters and emails are best

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Regards,

The ARAN Letter Writing Network

[austrefugeenetwork@gmail.com](mailto:austrefugeenetwork@gmail.com)

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### KEY REQUESTS

**We are calling on the Australian Government to**

1. Release Stateless man, Said Imasi (also known as Yassin Youssef)
  2. End Indefinite Detention
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**Background notes - Said Imasi - Stateless and in Indefinite Detention in Australia**

**Ten years in immigration detention in Australia.**

UNHCR - The Refugee Brief – 8 January 2020

Said Imasi, a stateless man who was found abandoned as a child in Western Sahara and does not know where he was born, has been held in detention since arriving in Melbourne in January 2010 at the age of 21.

The High Court rejected a bid by his lawyers last year to overturn legislation which allows for the indefinite detention of stateless people

- <https://www.unhcr.org/refugeebrief/the-refugee-brief-8-january-2020/>

### **Stateless Said**

January 28, 2010 at 6:45pm Melbourne International Airport

Said Imasi arrives at Melbourne International Airport from Norway. He is escorted by police out of the terminal and taken to a hotel room for interrogation.

The 21-year-old is suspected of having a stolen Norwegian passport. Three days later, officers confirm the document is fake, and Said is taken immediately to a detention centre.

Dubbed a stateless man, Said's case is rare.

He does not know where he was born and has had more than eight different names.

At the age of six, a non-government organisation found Said abandoned in Western Sahara.

The charity sent him to an orphanage on the Spanish island of Las Palmas.

From there he was shifted from orphanage to orphanage across Europe until, at the age of 10, Said escaped an abusive foster family in Belgium.

After fleeing, he spent weeks on the streets, train-hopping from country to country.

"The first time I've ever experienced love was in Holland." Still a child, a drug gang adopted Said as one of their own.

"They fed me and clothed me. They even bought me shoes. I'd never had sneakers before that."

Said unknowingly became an international drug mule and was sent on cross-border missions to make deliveries. "I never asked what it was, I would just listen and do what they told me."

In 2004, Said was caught and arrested in Norway. While in a jail for juveniles, he was sent to a care family by child protection services.

For the first time in his life, he attended school, developed a passion for sport, joined a running team and turned his back on crime.

"I was happy with my life until the gang started to contact me again, threatening me to come back or they would hurt me I had to run away."

Bound for New Zealand, Said borrowed a passport from a friend and left Norway on the 27th of January in 2010.

### **February 13, 2019 at 4pm, High Court of Australia**

The now 30-year-old Said Imasi stands before all seven judges of the High Court of Australia. His lawyers are attempting to overturn legislation, which allows the indefinite detention of those who have no trace of their past.

Surrounded by the friends he has made among the community groups visiting the detention centre, Said buries his face in his hands as the chief justice rejects the case.

Whether he will ever be released is unclear. His future is in limbo and he remains in the Villawood Immigration Detention Centre in Sydney.

- <https://www.aljazeera.com/news/2020/1/8/refugee-diaries-10-years-in-immigration-detention-in-australia>

### **2021 - Still in detention, after 11 years** - Geoff Latimore. Insights Magazine. 29 July 2021

Imasi was desperate to escape his situation and when he was approximately 20 years of age he managed to get away. He ended up at Tullamarine Airport in January 2010. The passport he was using was not his, as a stateless person without citizenship cannot obtain a passport. He was taken and placed in immigration detention where he has been ever since. In the 11 plus years since, Imasi has been confined in detention centres in Melbourne, Christmas Island, Yongah Hill in WA, and he has been in Villawood for the past few years. The length of time Imasi has been in detention has badly affected his physical health and plunged him at times into depths of suicidal depression.

Imasi has exhausted all avenues via the courts to be released into the community, the last one being the Federal Circuit Court in January 2021. The presiding judge at that court said that due to the way Australian law is formed, he cannot do anything as a political decision is needed.

Pre Covid I was a regular visitor to Villawood Immigration Detention Centre for several years and this is where I first got to know Imasi. I have stayed in contact via phone on a regular basis since. So often when we would see Imasi or talk to him on the phone, he would do his best to be cheerful and positive in bleak circumstances. He is a very warm, friendly and caring person, so often when talking with him he would ask after friends and family. He is a very engaging person and quite intelligent. It is such a waste for him to spend endless years in detention.

- <https://www.insights.uca.org.au/still-in-detention-after-11-years/>

The UN has labelled 'arbitrary and unlawful' the Australian government's practice of indefinitely detaining people it cannot deport. They are the 45 men and five women Peter Dutton doesn't want you to know about.

Slated for deportation - but no country to send them back to - these nameless, stateless people have remained in detention indefinitely.

"Potentially, they can stay locked up forever," says Michelle Foster, director of the Peter McMullin Centre on Statelessness at Melbourne Law School. Under Australian law, someone found to be a non-citizen and not a refugee must be detained for as long as it takes to have them deported. But if you do not know, or cannot prove, your citizenship, there is no country to send you back to. These people are truly facing indefinite detention."

### **Ten years detained**

Said Imasi is marking his 10th year in Australian detention.

He thinks he may have been born in the Canary Islands in the late 1980s, but his first memories are of being in an orphanage in Spain at the age of about six. At the age of about nine he ran away and ended up on the streets of Paris and then Brussels. It is thought he was then kept as a house slave in Belgium until he became a teenager, when he managed to escape and flee to the Netherlands. It was there that an international criminal gang recruited him. Imasi spent his teenage years engaged in drug couriership and money laundering throughout Europe, from a base in Norway.

### **Fear of reprisals**

His previous lawyer, Alison Battisson, said he tried to leave the gang many times, but was unable to out of fear of reprisals. In November 2009, after a gang member held a knife to his throat, he decided to flee as far away from Norway as possible. His plan was to get to Australia, then make it by boat to New Zealand, where he felt sure the gang's tentacles would not reach. He never made it. On 28 January 2010, Imasi arrived at Melbourne's Tullamarine International Airport under a forged or fake Norwegian passport and was arrested.

### **UN reproach**

Seven years later, the UN Human Rights Council investigated Imasi's case.

It ruled his ongoing deprivation of liberty was in contravention of six articles of the Universal Declaration of Human Rights and four articles of the International Covenant on Civil and Political Rights.

The UN's Working Group on Arbitrary Detention called on the Australian Government to "take the steps necessary to remedy the situation of Mr Imasi without delay and bring it into conformity with the relevant international norms".

"Taking into account all the circumstances of the case, the appropriate remedy would be to release Mr Imasi immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law," the UN's working group concluded. Imasi remains in detention.

### **High Court blow**

In February [2021], Battisson challenged the lawfulness of Imasi's ongoing incarceration in the High Court. The court concluded that the government had done nothing illegal because under the current Migration Act, anyone found to be an unlawful non-citizen must be detained until they can be deported. The court accepted the government's claim that Imasi had not fully co-operated with its attempts to ascertain his identity and nationality.

"In the absence of the plaintiff's cooperation it cannot be concluded that the options for his removal within a reasonable time have been exhausted," the bench unanimously found.

### **Detention by default**

Battisson said if her prior client had fled to the UK instead of Australia he would have been recognised as a stateless person and accorded refuge, on the grounds he had nowhere else to go and no country was under obligation to accept him back.

"But in Australia, we don't have any law that captures people like Imasi who fall through the gaps," Battisson said. "They just remain in detention by default."

Almost a year to the day after the UN called on the Australian government to release Imasi.

- <https://7news.com.au/news/immigration/immigration-deadlock-as-50-asylum-seekers-detained-indefinitely-for-being-stateless-c-433296>

### Further Reading:

#### **Statelessness In Australia. Refugee Council of Australia. August 2015**

- <https://www.refugeecouncil.org.au/wp-content/uploads/2018/12/1508-Statelessness.pdf>

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## We suggest you write to your local MP and all Senators in your State.

You may wish to send copies of your letters to

- Prime Minister
- Minister for Immigration
- Minister for Home Affairs
- Shadow Minister for Immigration

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### Canberra Postal Address for all Senators

PO Box 6100  
Senate,  
Parliament House  
Canberra ACT 2600

### Canberra Postal Address for all MPs

PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

**\*\*\* NB \*\*\*** As MPs' and Senators' details will not yet be updated on the APH website following the recent election, we suggest sending letters to the addresses above, unless you know your local MP's address.

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### Sample Letter - PLEASE PERSONALISE

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Dear ...

I draw to your attention the case of Said Imasi, who has been held in Immigration Detention for 12 years. He still faces a potentially limitless detention.

The United Nations Human Rights Committee's Working Group on Arbitrary Detention has told Australia its ongoing detention of Imasi is unlawful, indefinite and arbitrary.

"Seeking asylum is not a criminal act; on the contrary, seeking asylum is a universal human right," the UN Working Group said. It also said Australia's "extraordinary lengthy detention" of Imasi, and its failure to properly assess his case, was unjustified and unreasonable.

Said Imasi history in summary:

- Said says he doesn't know where he was born but possibly in the Canary Islands.
- His mother was from Western Sahara and he does not know anything about his father.
- He was orphaned as a child and trafficked to mainland Europe where he was kept as a house slave in Belgium.
- He escaped to the Netherlands and was taken in by a criminal gang in Norway. He came under their control. He spent 7 years there, his teenage years.
- When he tried to leave the gang, they became threatening.
- At around 20 years of age, he used a stolen passport to travel to Australia (as a stateless person he could not obtain a passport)
- Said Imasi arrived at Melbourne Airport on 28 January 2010 on a Norwegian passport. He was placed in Immigration Detention.

<https://www.theguardian.com/australia-news/2018/jan/15/every-day-i-am-crushed-the-stateless-man-held-without-trial-by-australia-for-eight-years>

Said Imasi says he is stateless. The Coalition government has always disputed this.

In 2019 the Coalition Government argued in the High Court of Australia that detention - for the purpose of deportation - was allowed regardless of whether there was a real prospect of it in the reasonably foreseeable future. Nine years after his arrival in Australia, the Coalition Government was claiming that investigations into the identity of Said Imasi were still "ongoing".

That was 3 years ago. Said Imasi remains in Villawood. Twelve years already served for arriving without a valid passport. When will it end?

I am asking the Australian Government to repeal the laws that allow indefinite mandatory immigration detention. I further ask that even if his statelessness remains unresolved, that the Government immediately releases Said Imasi.

Yours sincerely,

Name  
Address