

CASEY CARDINIA FOR REFUGEES

caseycardiniaforrefugees@gmail.com

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Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100,
Parliament House
Canberra ACT 2600

Submission to the inquiry into and report on The Migration Amendment (Removal and Other Measures) Bill 2024

Dear Committee,

Casey/Cardinia for Refugees is pleased to be able to make a submission to this important Senate Inquiry.

Across the local government areas of Casey and Cardinia in Victoria, we are welcoming a growing number of refugees from many different countries. Casey/Cardinia for Refugees has been active since 2017 learning about the issues forcing people to flee their homelands, the trauma refugees face both in refugee camps, and in their attempts to gain asylum in Australia, and the policies we in Australia have around refugees.

We have serious concerns about the proposed Bill in its entirety. Our submission will focus on three key concerns we have.

Our Obligations Under International Conventions

The displacement of people globally as a result of war, conflict and persecution is of tragic proportions and an issue requiring genuine international agreements and cooperation. We believe the obligations Australia has in being a signatory to the 1951 U.N. Refugee Convention requires us to not return people to countries where they face serious threats to their life and freedom. Yet this Bill creates a high and increased risk that people, including refugees and people who are stateless, will be deported to countries where they face serious harm, including death. The Bill gives the Minister for Immigration powers to compel a person to cooperate with being deported from Australia. If they don't cooperate they can face criminal charges and a jail sentence of up to five years.

Particular Concern to us of those who have been detained offshore

Refugees and people seeking asylum have been through enough. After fleeing persecution, many have been subjected to cruel and unnecessary treatment from the moment they sought safety in Australia. Casey/Cardinia for Refugees have been advocating for years for a more humane and compassionate response from our governments, for those who have, at great risk to themselves, sought our protection. We have kept informed about the conditions and cruel treatment of refugees and asylum seekers on Nauru, Manus Island and now Port Moresby. Some people who have been transferred from Nauru or Papua New Guinea to Australia hold Bridging E Visas and they are at risk of being subjected to these proposed Minister's powers, whereby they can be compelled to cooperate with their deportation. The lives of these people who had every right to seek asylum, it's a human right issue, have had 13 years of their lives and freedom severely compromised, their mental health shattered. This proposed Bill further persecutes these people.

Impact of the "Fast Track" Assessment Process

People who are afraid to return to their home country often have protection claims that have either not been assessed, or have been unfairly assessed via flawed processes (e.g. people refused protection visas under the Fast Track process). While the current government has acknowledged that the Fast Track process is unfair, and it has been abolished, yet there are no protections in this proposed Bill for people who were subjected to the Fast Track process. We note the UNHCR's Fact Sheet on the Protection of Australia's So Called Legacy Caseload Asylum Seekers, 1st February 2018.

"The UNHCR expressed concerns that the fast track review process lacked procedural safeguards, thereby denying asylum seekers a fair and efficient protection assessment process. The UNHCR also criticised the fast track process for denying asylum seekers the right to appear in person and address any negative credibility issues affecting their application. The process was also criticised for imposing shorter timeframes for determination and a limited form of merits review - indeed, many asylum seekers were denied a merits review altogether, a move which the Australian Parliamentary Joint Committee on Human Rights noted "is incompatible with Australia's obligations on non-refoulement". Ultimately, the process lacked the appropriate safeguards and flexibility to ensure that those persons in need of international protection were fairly and accurately assessed and identified."

It concerns us that these very people may now face further barriers and penalties.

We close by urging this government to look at ways to uphold and progress the Labor Government's election promises for fairer, more compassionate treatment of refugees and people seeking asylum, not introduce new legislation which further punishes people in need of protection.

Sincerely,

Anne Jones
Member of Casey/Cardinia for Refugees