



Welcome to Australia Ltd.

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Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
[legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

Dear Committee,

## **Submission on Migration Legislation Amendment (Regional Processing Cohort) Bill 2016**

Welcome to Australia is a national not-for-profit organisation which is dedicated to giving people seeking asylum, refugees, new arrivals and long-term migrants a warm, dignified and positive welcome to Australia. We are a community organisation that aims to cultivate a culture of welcome towards new arrivals by changing the public conversation and engaging everyday Australians in practical acts of welcome. Over the past five years, Welcome to Australia has been able to mobilise and engage with more than 127,000 Australians who believe that unity builds a better community than division. We are building on this movement to develop an organisation that has huge potential in creating positive change at the grassroots level all around Australia.

We are making this submission as we have a number of concerns and recommendations in relation to the proposed Migration Legislation Amendment (Regional processing cohort) Bill 2016, which is before this committee.

We believe that there is no established need for this policy as a further deterrent, and no evidence that it would actually be a deterrent, especially given the overwhelming push factors that cause people seeking asylum to seek refuge. We believe that the proposed amendments are not only unjustified, but would be difficult to implement, and would only punish the most vulnerable people. Welcome to Australia also supports the Refugee Council of Australia's submission on this matter.

### **Concerns:**

While we disagree with these amendments in their entirety, our other main concern is that this proposed amendment is retrospective. We do not believe that this amendment should be backdated, affecting people who were already in our care, when this policy was announced.

It is one thing to make a prospective policy, so that people can base their decisions on it in the future, it is another thing entirely to impose a cruel retrospective policy which can only be seen as punishment for people who could not have foreseen this when they arrived.

Backdating this policy will not add any additional deterrence to prevent people smugglers from restarting their operations.

We welcome the Government's proposed refugee resettlement deal with the United States, and we believe that the cohorts affected, should not be banned from visiting Australia in the future when they are US citizens, to visit family in Australia. It is cruel to prevent family members from reuniting years after they have been fully resettled.

We also know many refugees are amongst the world's most entrepreneurial and resilient people, and this proposed legislation would potentially prevent future business investment and innovation, with potential future business leaders banned from entering Australia.

This policy will also deny us tourism opportunities when the cohort go on to become American citizens and expect to be able to travel and visit attractions around the world.

We believe that backdating this proposed legislation will create a two tier system for US citizens who may wish to visit Australia for business, leisure or family reunion; a substandard and discriminatory tier for future US citizens who are currently on Manus and Nauru, and the other tier for all other US citizens. Our relationship with the United States is strong and such policy could create setbacks on continuing genuine friendship and diplomacy with the United States. We expect the United States to treat Australian citizens with respect when it comes to visiting the US, and the United States expects us to treat its citizens with the same respect and dignity.

This amendment, if passed, may also damage our standing in the world. It could potentially breach our obligations under Article 31 of the UN Refugee Convention Human Rights, which Australia is signatory to and which other submissions to you have addressed.

**Recommendations:**

1. This bill not be passed.
2. If passed, at the very least, this bill should be amended so that it does not apply retrospectively to those currently in our care.

If we can be of any assistance or for further consultation, please do not hesitate to contact us.

Yours faithfully,

**Welcome to Australia**