



AASW

**Australian Association
of Social Workers**

*Submission to the Legal and Constitutional
Affairs Legislation Committee*

*Re: Migration Amendment (Regional
Processing Cohort) Bill 2019 [Provisions]*

August 2019

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Introduction

Who we are

The Australian Association of Social Workers (AASW) is the professional body representing more than 12,000 social workers throughout Australia.

We set the benchmark for professional education and practice in social work and have a strong voice on matters of social inclusion, social justice, human rights and issues that impact upon the quality of life of all Australians.

The social work profession

Social work is a tertiary-qualified profession recognised nationally and internationally that supports individuals, families, groups and communities to improve their wellbeing. Principles of social justice, human rights, collective responsibility and respect for diversity are central to the profession and are underpinned by theories of social work, social sciences, humanities and Indigenous knowledge. Social workers practice in a diverse range of settings, including working with people seeking asylum and refugees.

Social workers consider the relationship between biological, psychological, social, cultural and spiritual factors and how they impact on a person's health, wellbeing and development. Accordingly, social workers maintain a dual focus in both assisting with and improving human wellbeing and identifying and addressing any external issues (known as systemic or structural issues) that may have a negative impact, such as inequality, injustice and discrimination.

Submission Response

The AASW vehemently opposes the Migration Legislation Amendment (Regional Processing Cohort) Bill 2019 [Provisions] as it does not comply with Australia's international rights and legal obligations, as a signatory to the relevant United Nations treaties. The Bill will unfairly target highly vulnerable populations, discriminate and punish them based on their mode of arrival to Australia, prohibiting those seeking asylum by boat from making an application for a valid visa in Australia. The AASW strongly opposes the discretionary measures outlined in the Bill permitting the Minister to grant a visa application for those 'where it is in the public interest to do so.'

This lack of scrutiny and transparency is a continuation of Australia's punitive offshore processing and settlement policies already tabled by the UN Human Rights Committee in 2017 as 'unacceptable.'¹ This Bill will further negatively impact on Australia's human rights reputation and standing within the regional and international community.

The Bill directly breaches Article 31 of United Nations Convention relating to the Status of Refugees by imposing penalties on the basis of people's form of entry:

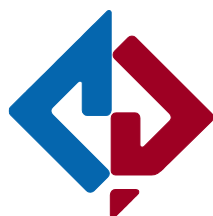
1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

¹<https://www.humanrights.gov.au/about/news/un-human-rights-committee-report-australias-human-rights-record>

Asylum seekers arriving in Australia by boat are not breaking the law. The United Nations Convention on Refugees recognises that refugees have a right to enter another country for the purpose of seeking asylum, with or without valid travel documents. As a relatively affluent country and a founding member state of the UN, Australia should be expected to show leadership and compassion in terms of its human rights treatment of asylum seekers and refugees.

The AASW calls for the Australian Government to fully uphold its international obligations to asylum seekers and refugees and in particular to treat all refugees and asylum seekers equally and fairly regardless of whether they seek asylum by boat or by plane.

Submitted for and on behalf of the Australian Association of Social Workers Ltd.



AASW

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