



**The National Ethnic and Multicultural
Broadcasters' Council (NEMBC)**

SUBMISSION on the

**Migration Amendment
(Complementary Protection) Bill 2009**

22 September 2009

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

Dear Committee Secretary,

RE: Migration Amendment (Complementary Protection) Bill 2009

The National Ethnic and Multicultural Broadcasters Council (NEMBC) welcomes the government's introduction of the *Migration Amendment (Complementary Protection) Bill 2009* to amend the Migration Act 1958. This will ensure Australia better adheres to its obligations under international human rights law, particularly through the introduction of complementary protection arrangements for those most at risk from human rights abuses. This bill will ensure a transparent mechanism to engage Australia's *non-refoulement* obligations under the 1951 UN refugee conventions and its 1967 Protocol.

With the introduction of this new Bill, Australia will be able to alleviate the risks of returning vulnerable people to situations of danger or even death. This *Migration Amendment Bill* also helps to bring Australia in line with its international obligations relating to refugee and human rights protection, including the UN Universal Declaration of Human Rights, Convention Against Torture, Convention on the Rights of the Child in addition to the Refugee Convention and its 1967 protocol.

The NEMBC believe that in compliance with Human Rights it is important to broaden the meaning of *persecution* to allow those who do not fulfill the limited definition of a refugee outlined in the convention, to be protected through the application of the principles of the convention. There have been terrifying stories of asylum seekers who have been sent back to their country where they face persecution and denied protection by Australia under international human rights law. For example, the front page of *The Age* on the 22nd of September reported two Kenyan women are facing deportation and could either face genital mutilation or death on their return. Although these women have been found not to fit the strict definition of the refugee convention, given that they have a fear of suffering persecution in their own country, this presents an example where Complimentary Protection could be employed. Complimentary Protection will give future asylum seekers more equitable protection, so that they are not wrongfully sent back into a dangerous environment.

The NEMBC is a national organisation committed to supporting human rights, multiculturalism and multilingualism, through ethnic and multicultural community broadcasting. The Migration Amendment for Complimentary Protection is a positive step towards a more equitable multicultural Australia. As the *Perceptions of Multiculturalism and Security in Victoria* report states, multiculturalism is vital now, and for future community harmony on a national level. The NEMBC believes the *Migration Amendment (Complementary Protection) Bill 2009* is a humane policy which ensures the protection of lives, and embraces respect and understanding for a more cohesive multicultural society.

Yours Sincerely,

Russell Anderson
Executive Officer