

Dear Legal and Constitutional Affairs Legislation Committee,

Re: Submission to the inquiry into the Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2020

As an Australian citizen, I welcome the opportunity to provide input into the Legal & Constitutional Affairs Legislation Committee's inquiry into the Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2020 (the Bill). I am a retired teacher and live in Melbourne.

I am deeply concerned that the Bill as it stands will violate the human rights and wellbeing of people under the care of the Australian Government in Immigration Detention. In particular, I am concerned that the Bill states that mobile phones, SIM cards, computers and other electronic devices, may be prohibited and seized.

Mobile phones, SIM cards, and other communication devices are essential to people held in immigration detention in order for them to maintain regular and private contact with loved ones, lawyers and other forms of support. To remove this ability would further compound the isolation, desperation and vulnerability felt by those under our care in Immigration Detention Facilities and would put their wellbeing, particularly their mental-health, at greater risk. I believe that these proposed amendments would take our nation another step away from our international obligation to treat asylum seekers and refugees humanely.

Further, the removal of phones from refugees and asylum seekers would align their conditions with inmates in Australian prisons and thus treat them as if they were criminals. I would like to remind the Committee that asylum seekers, including those who arrived in Australia by boat, have not acted illegally, as outlined by the Refugee Council of Australia:

"The UN Refugee Convention (to which Australia is a signatory) recognises that refugees have a lawful right to enter a country for the purposes of seeking asylum, regardless of how they arrive or whether they hold valid travel or identity documents. The Convention stipulates that what would usually be considered as illegal actions (e.g. entering a country without a visa) should not be treated as illegal if a person is seeking asylum."

One only needs to watch the news to observe that there is a groundswell of support for issues relating to human rights and a growing intolerance of human rights abuses. Indefinite detention is an inhumane practice. To compound this further by removing access to essential communication

devices will not serve Australia's international reputation well in the current environment.

I recommend that the Bill is not passed and that the Parliament instead seeks ways to **improve** the conditions of those in detention and that it commits to ending the inhumane practice of indefinite detention. Australia must find a better way to control immigration without resorting to such cruelty.

Thank you for the opportunity to participate in this inquiry.

Yours sincerely,

Barbara Forehan  
4th June, 2020

