

## **SUBMISSION re MIGRATION AMENDMENT (Prohibiting Items in Immigration Detention Facilities) BILL 2020**

This amendment will allow the minister for immigration the freedom to determine what are “prohibited things” held by detainees in immigration detention. It is quite clear that the minister’s intention is to seize mobile phones held by detainees. The purported reason for this is his baseless allegation that these phones are used for criminal activity. The fact is that asylum seekers and refugees held in immigration detention are innocent people, who have not been charged with any crime.

These phones are vital for these innocent people to hold on to their sanity and contact their loved ones, to maintain contact with those who are supportive of them in the Australian community, and to gather and prepare documentation. They have also useful in recording abuse by those employed in immigration detention facilities.

These are all reasonable grounds for mobile phones to be regarded as essential.

The immigration detention system is also being used to hold people under S501. Again, there is no evidence that mobile phones are widely used by this cohort to commit crimes. In such a closed system, it should be straightforward to obtain a warrant and act accordingly on the basis of evidence.

Bear in mind that asylum seekers, refugees and those admitted under S501 are not held in these facilities because they have committed a crime. They are held because they do not meet visa requirements.

For the minister to accuse them of committing criminal acts is, in effect, no different to him accusing the Australian population of committing criminal acts without any evidence of that at all.

Hunter Asylum Seeker Advocacy, an informal group of citizens in Newcastle NSW, is concerned that these amendments reveal the minister’s concerns is not with justice, but rather a desire to exercise power without any checks and balances.

WE submit that these amendments should be viewed in the light of the minister’s **character**, as revealed by his actions.

You would be aware of the Auditor General’s recent findings regarding the contracts awarded by Home Affairs on Manus. It should set alarm bells ringing- and would have, except for the interruption by COVID-19.

There is wealth of testimony that the minister does not have justice on his mind when it comes to asylum seekers and refugees.

For instance, if you google the phrase “dutton lies about asylum seekers” the first few entries are sufficient to paint a damning picture. Here’s a screenshot from this search,  
[https://www.google.com/search?q=dutton+lies+about+asylum+seekers&rlz=1C1CHWL\\_enAU900AU901&oq=dutton+lies+about+asylum+seekers&aqs=chrome..69i57j9190j0j7&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=dutton+lies+about+asylum+seekers&rlz=1C1CHWL_enAU900AU901&oq=dutton+lies+about+asylum+seekers&aqs=chrome..69i57j9190j0j7&sourceid=chrome&ie=UTF-8) :

[www.theguardian.com](http://www.theguardian.com) > [aus italia-news](#) > [dec](#) > [pe ter-d...](#)

## [video contradicts Peter Dutton's claim refugees were lying](#)

Dec 10, 2017 - 'I will kill you': video contradicts Peter Dutton's claim refugees were lying ...  
Asylum seekers and refugees have claimed they have been ...

[www.theaustralian.com.au](http://www.theaustralian.com.au) > [2019/06/21](#)

## [Dutton claims pregnant asylum seekers lying about rape to ...](#)

Jun 21, 2019 - Home affairs minister Peter Dutton has told Sky News that female asylum  
seeker detainees on Manus had pretended to be victims of rape and ...

[www.sbs.com.au](http://www.sbs.com.au) > [news](#) > [manus-asylum-seekers-lying ...](#)

## [Manus asylum seekers 'lying' over vision showing alleged ...](#)

Dec 11, 2017 - Asylum seekers on Manus Island have filmed locals allegedly threatening  
them but Immigration Minister Peter Dutton says it's a lie.

[refugee.org](http://refugee.org) > [2017/04/25](#) > [pe terson-to-sack-peter-dutton...](#)

## [Exposing Peter Dutton's lies about refugees | | Refugee Action](#)

...

Apr 25, 2017 - Immigration Minister Peter Dutton is under pressure over the continued  
indefinite detention of refugees and asylum seekers on Manus and ...

[www.canberratimes.com.au](http://www.canberratimes.com.au) > [News](#) > [National](#)

## [Dutton furious at 'back door' refugee laws - The Canberra Times](#)

Oct 22, 2019 - Home Affairs Minister Peter Dutton says Australians have been "conned" ...  
There have been 135 asylum seekers brought to Australia from offshore ... you don't need to  
go to hospital, I think people can read between the lines.

[www.smh.com.au](http://www.smh.com.au) > [Politics](#) > [Federal](#) > [Asylum seekers](#)

## [Peter Dutton admits he may be wrong about Bill Shorten ...](#)

Feb 7, 2019 - Labor has accused Home Affairs Minister Peter Dutton of "lying" about high-  
level security briefings on a crucial asylum seeker bill, prompting ...

Most Australians are sickened by the lies and waste surrounding the indefinite incarceration of innocent people who are denied any recourse to justice. The waste is not just the money thrown to dubious contractors, but the waste of talent and life.

Please, consider: what is the purpose of holding Medivacced asylum seekers in the Mantra hotel without treatment for what is now a year?

In this time of COVID-19 we can no longer afford this singling out and abuse of innocent people at immense cost. We couldn't afford it before either!

We ask you, reject this amendment in its entirety, any further powers. The proposed amendments do not have any merit. That they are proposed by a minister for his own vengeful purposes is all the more reason to reject these amendments.

Dr Niko Leka, on behalf of Hunter Asylum Seeker Advocacy.