



# Catholic Religious Australia submission to the Legal and Constitutional Affairs References Committee for the Inquiry into Offshore Processing and Resettlement Arrangements

13 February 2026

## Introduction

Catholic Religious Australia (CRA) welcomes the opportunity to make a submission to the Legal and Constitutional Affairs References Committee, which is to inquire into and report on offshore processing and resettlement arrangements.

CRA is the peak body representing Leaders of 150 Catholic Religious Institutes and Societies of Apostolic Life which operate in Australia. Our Religious Institutes comprise over 4,300 Catholic religious women and men, working in education, health care and social welfare. Australia's Catholic religious congregations are strongly committed to action for social and climate justice. Through their justice ministries, they work with and advocate for Australia's most vulnerable communities, including refugees and asylum seekers.

The Catholic Church strives for a global solidarity, where we recognise that each human being is a member of one, universal family, and that we therefore have a responsibility for each person's wellbeing. This responsibility transcends national, racial, generational, cultural, economic and ideological boundaries. We should welcome the stranger and uphold the dignity of all people.

Pope Leo XIV has last year called for a renewed commitment to embracing and protecting migrants and refugees:

*"The communities that welcome them can also be a living witness to hope, one that is understood as the promise of a present and a future where the dignity of all as children of God is recognized. In this way, migrants and refugees are recognized as brothers and sisters, part of a family in which they can express their talents and participate fully in community life."*<sup>1</sup>

CRA therefore urges for just and compassionate policies for refugees and people seeking asylum.

## **Australia's arrangements since 2022 with the Republic of Nauru, Papua New Guinea and other countries for offshore processing and resettlement programs**

CRA is deeply concerned about the lack of transparency about payments made by the Australian government to primary contractors, subcontractors and third parties involved in offshore processing and resettlement programs. This current Inquiry was triggered because a previously secret AUSTRAC information report was revealed to the Australian public, only because Senator David Shoebridge used parliamentary privilege to expose its existence. Senator Shoebridge read sections of the report that point to transactions indicative of corruption and money laundering, involving senior Nauruan officials.<sup>2</sup>

As insufficient information has been provided by the government to allow us to comment on these payments, CRA can however discuss the dangers of such a system of secrecy around our offshore processing and resettlement programs. International evidence demonstrates that secrecy around sites of incarceration leads to human rights abuses occurring in those sites, because the usual oversight over executive power by legal, parliamentary, media, and citizen sources is prevented.<sup>3</sup> This is why the Optional Protocol to the Convention Against Torture outlines the need for independent visiting bodies

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<sup>1</sup> <https://www.vatican.va/content/leo-xiv/en/messages/migration/documents/20250725-world-migrants-day-2025.html>

<sup>2</sup> Asylum Seeker Resource Centre, 'Secret AUSTRAC report reveals Government knew of Nauru corruption – what else are they hiding?', accessed 10 February 2026, <https://asrc.org.au/2025/11/26/secret-report-reveals-government-knew-of-nauru-corruption/>

<sup>3</sup> Dr Amy Nethery, 'Secrecy and Abuse in Australia's Immigration Detention Systems,' Asylum Insight, accessed 10 February 2026, <https://www.asyluminsight.com/c-amy-nethery#.XdjDvJMzY00>

for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.<sup>4</sup> Australia's offshore processing systems effectively operate as private businesses in the foreign countries of Nauru and Papua New Guinea, and distance, and layered commercial-in-confidence agreements and contracts, prevent public scrutiny. Preceding the 2022 arrangements, numerous Parliamentary Inquiries<sup>5</sup> and the leaked Nauru files, have demonstrated the lack of regulation within Australia's Offshore Processing regime, facilitating the perpetration of human rights abuses.

### **Any other related matters**

#### Amendments to the Migration Act

CRA was very concerned by the rushed passing of legislation in December 2024 that allowed the government to pay third countries to receive un-visaed persons, who could not be returned to their home country because of risks of persecution. This was a loophole that circumvented the international principle of nonrefoulement, shifting Australia's responsibilities for refugees and asylum seekers to a third country, and did not provide for any safeguards to prevent these persons' harm, detention or further movement once they had been moved, including to the home country from which they had fled.

We were further concerned when legislation was passed in 2025 that stripped non-citizens in Australia of natural justice, a foundational component of the Australian legal system that ensures all people are afforded the right to be heard fairly and for an unbiased decision to be made, by removing the government's responsibility to give a non-citizen notice, or to provide an opportunity to respond, when deciding to deport them to a 'third country'. Without being afforded the right to respond to a deportation request, these individuals are unable to correct any inaccuracies or share any new information. This also means that the government can legally overlook any health, safety or family separation threats posed by deportation.

We were also alarmed by the provision for the validation of past visa decisions, even when made under outdated laws (i.e. before the NZYQ decision by the High Court in 2023, which overturned the legality of indefinite immigration detention), or when made on the basis of incorrect information, or are currently being challenged in court. These decisions can no longer be reviewed, and people can be deported without an opportunity for adequate review. While a third country reception arrangement has been struck with Nauru that includes all un-visaed persons in the Australian community who could no longer be detained following the NZYQ decision, we are greatly concerned that the Australian government could further extend this arrangement to include all other un-visaed persons who cannot be returned to their home countries. This, in effect, is people trading, reducing the human being to a commodity.

#### The Human Impact

Some of CRA's member Institutes have been involved in providing religious services to those held in immigration detention, including offshore. Fr John Hodgson CSsR, Provincial of the Redemptorists of Oceania, recalls his time celebrating Mass at The North West Point Immigration Detention Centre on

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<sup>4</sup> OHCHR, 'Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,' accessed 10 February 2026, <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel>

<sup>5</sup> See for example the Final report of the 2015 Inquiry into allegations relating to conditions and circumstances at the Regional Processing Centre in Nauru: [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Regional\\_processing\\_Nauru/Regional\\_processing\\_Nauru/Final\\_Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Regional_processing_Nauru/Regional_processing_Nauru/Final_Report)

Christmas Island during its years in operation. Although this detention centre is no longer in use, his experiences there provide insight into Australia's entire regime of offshore processing and its impact on the human person.

Fr Hodgson explains that visits by clergy to Christmas Island to celebrate Mass and offer pastoral care to the detainees was a significant expense, carried without government subsidy or encouragement. Fr Hodgson recalls having a great deal of bureaucracy to contend with to visit. He spoke of waiting for approvals, endless forms and time restrictions, as well as having to deal with late cancellations of religious services as punishment for bad behaviour. Mass was permitted to be held in the 'holding room,' the same room from which detainees gathered for their deportation and therefore a room which would incite both distress and ironic humour. Fr Hodgson's experience was that regardless of the room, a number of detainees would attend Mass for a mixture of understandable reasons: *"Some just wanted human contact, or to pass on messages to family on the mainland. Some wanted confession and communion. Some just wanted a change in their normal day. For many, there was a sense of desperation, of trying to find out where their application for asylum was up to."* He said that it was the bravery and faith of lay people from the Christmas Island Catholic Church who found creative ways to connect with detainees and provide hope in their desperation.

Fr. Hodgson believes that detaining people on Christmas Island was an intentional policy of isolation by the federal government to take away fundamental opportunities for detainees to relate as human beings, to stop their ability to connect with government agencies and thus find a way through to a different conclusion other than deportation. He believes that Christmas Island Detention Centre was intended to keep the public away from protests and agitation. Very few people, he said, knew what was really happening there. It also revealed a government that intentionally made access to the law a huge and expensive inconvenience, shutting off routine access to lawyers or judicial procedures. The detention centre was a distressing government and public neglect of complex human issues deemed too difficult to act on conscientiously and with due process, and which too easily fell back on a presumption that most were suspected criminals. In the end, it was easier to have their basic human needs resolved by bureaucratic policies of isolation, which was a denial of each person's innate human dignity.

## **Conclusion**

Catholic Religious Australia holds grave concerns about Australia's arrangements with the Republic of Nauru and Papua New Guinea for offshore processing and resettlement programs - countries with political instability,<sup>6</sup> and whose detention centres have a track record of human rights abuses<sup>7</sup> - and the lack of transparency over these arrangements. We have already seen from Immigration Detention Centres such as Christmas Island, that the use of private contractors to operate such facilities obscures public scrutiny, opening up the very real possibility of human rights abuses occurring when there is no oversight of management practises.

The Catholic Church recognises the inherent human dignity of each and every person. This is a dignity that transcends national, racial, generational, gender, cultural, and economic differences, and is a

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<sup>6</sup> Dr Amy Nethery, 'Secrecy and Abuse in Australia's Immigration Detention Systems.'

<sup>7</sup> See for example the conclusions of the UN Special Rapporteur on the Human Rights of Migrants who visited Nauru in 2017 - UN Human Rights Council, Report of the Special Rapporteur on the human rights of migrants on his mission to Australia and the regional processing centres in Nauru UN Doc A/HRC/35/25/Add.3 (24 April 2017). Also see the Amnesty International Report 'Breaking People: Human Rights Violations at Australia's Asylum Seeker Processing Centre on Manus Island, Papua New Guinea,'(Amnesty International Publications: London, 2013).

dignity that remains regardless of how a person does or does not behave, included those convicted of a crime. We recognise that some of those to whom the third country reception arrangements relate are un-visaed persons who have committed serious criminal offences, but we believe that their dignity and human right nevertheless remain, and the Australian government should be taking direct responsibility for these peoples.

CRA therefore calls for:

1. The return of immigration processing to the Australian mainland.
2. The public administration of immigration processing.
3. The compassionate, transparent and timely processing of un-visaed persons in ways that uphold international law and human rights, and the basic dignity of the human person.