

Dear members of the Senate Legal and Constitutional Affairs Committee,

I am writing to express my grave concerns about the above cited proposed amendment to the Migration Amendment Bill, particularly as it will effect refugees and people seeking asylum in Australia.

I understand that the Parliamentary Joint Committee on Human Rights conducted a review of the proposed Amendment, and found that the proposed Bill would increase the risk of people being arbitrarily deprived of liberty, and that it has not been established that the Bill was either necessary or proportionate. The Minister already possesses sufficient very broad powers to cancel and refuse visas on character grounds.

The way in which this Bill would lower the threshold for the character test is deeply concerning. While it is understandable that the government should have the power to refuse or revoke visas to persons who are deemed to be a danger to the Australian community, under this Amendment the Minister's power would apply to people who ultimately might be found to have committed no offense at all, or have committed minor offenses for which no sentence had been given. This is simply unjust, illogical, and undermines Australia's judicial system.

I also note that the proposed amendment would result in a lack of review process. This could increase the risk of the indefinite detention or refoulement of refugees and people seeking asylum, contrary to Australia's international obligations under the UN Refugee Convention. Furthermore the Bill is likely to increase the financial burden on the Australian taxpayer for increased cost of immigration detention.

Most worryingly, the cancellation of visas under the proposed amendment have the potential to result in families being permanently separated, including children being separated from their parents. I can't believe that an Australian government is proposing that such a situation is acceptable, nor that the Australian public would find it acceptable. Don't we concur with the International covenant on Civil and Political Rights that *'the family is the natural and fundamental group unit of society and is entitled to protection by society and the State'*?

In summary, I see the Bill as having so many harmful unintended consequences that it must not be passed. The Government already has sufficient powers to refuse and cancel visas. This Bill is neither necessary nor proportionate and urge you to recommend that the

Bill not be passed.

Thank you for the opportunity to express my views. Eileen O'Brien