



Rural Australians for Refugees, Queanbeyan, Inc.

Mission: To influence public policy towards compassionate, timely and humane treatment of refugees and people seeking asylum.

Committee Secretary, Legal and Constitutional Affairs Committee  
Department of the Senate  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Dear Senators

The bill, *Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Act 2020*, introduced & read 14 May 2020, includes two amendments. Firstly, section **251A Searches of detainees etc.—prohibited things**, amends the *Migration Act 1958* to allow the Minister to classify things, such as mobile phones, as ‘prohibited’ in relation to immigration detention facilities and detainees. Secondly, section **251B Searches of detainees etc.—exercise of powers generally** includes a new statutory search power to arbitrarily search detainees in immigration detention centres.

We, the members of the Queanbeyan branch of Rural Australians for Refugees, who work to influence public policy towards compassionate, timely and humane treatment of refugees and people seeking asylum, are writing today to ask the following questions regarding this proposed Bill.

- What is the aim of these amendments brought by the government?

What rights are immigration detainees to be left with? The government appears, with this amendment, to be removing the right of immigration detainees to communicate with other humans – friends, families, legal assistance; to own possessions such as mobile phones and correspondence papers; the right to access the internet; and the right to freedom of person.

All of which seems to be a cynical move to totally isolate immigration detainees, but to what end?

Refugees are not criminals and have been accused of no crime yet they have been denied access to basic human rights for, in the case of many detainees, years. This amendment will further limit the rights of detainees in direct contravention of the United Nations Declarations and Covenants’ which advocate for all humans, *‘freedom of thought, conscience and religion; freedom of opinion and expression; peaceful assembly; freedom of association’*, among other rights.<sup>1</sup>

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<sup>1</sup> The International Covenant on Civil and Political Rights, <https://www.un.org/en/sections/issues-depth/human-rights/>, accessed 25 May 2020

Why is the government seeking to enhance the power of its officers to further strip rights from immigration detainees? What is the aim here?

- Is the terminology 'a thing' included in the amendments intentionally vague?

The amendment 251B provides opportunity for officers at detention centres to search for 'a thing', a vague unspecified item which the officer deems to be unlawful, a threat, or an even a document!

The vagueness of this idea of a 'thing' will allow personnel to conduct searches, including strip searches, at whim, which will not only add validity to a culture of bullying by detention centre staff, but will also contribute to the total removal of rights of detainees: personal rights, right of ownership, right to correspond with those outside the centre of detention.

This appears to be nothing but a cynical move by the government to remove any remaining freedoms & rights from those in detention. If this bill passes, our country will be further trespassing on the rights of the vulnerable in our community in contravention of the United Nations Declarations & Covenants on Human Rights; rights which include *'the right to life and liberty..... freedom of opinion and expression.... to an adequate standard of living and to the highest attainable standards of physical and mental well-being.'*<sup>2</sup> And, which prohibits *'arbitrary deprivation of life; torture, cruel or degrading treatment or punishment;..... arbitrary arrest or detention; arbitrary interference with privacy.'*<sup>3</sup>

Two questions have been raised here:

1. What is the aim of these amendments brought by the government?
2. Is the terminology 'a thing' included in the amendments intentionally vague?

Can the government adequately answer these two questions, thereby providing good reason for proposing these amendments? Amendments, which, at first sight, appear to be moves to further suppress the human rights of a vulnerable group of people under its care. If not, we ask that the Committee reject the proposed legislation as unlawful overstepping on the part of the government.

Yours sincerely

Kate Curry  
Secretary  
Rural Australians for Refugees, Queanbeyan  
15 May 2020

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<sup>2</sup> Universal Declaration of Human Rights, <https://www.un.org/en/sections/issues-depth/human-rights/>, accessed 25 May 2020

<sup>3</sup> The International Covenant on Civil and Political Rights, <https://www.un.org/en/sections/issues-depth/human-rights/>, accessed 25 May 2020