



21 November 2024

Senate Legal and Constitutional Affairs Committee

Senate Submission on *Migration Amendment Bill 2024 (Cth)* and *Migration Amendment (Bridging Visa Conditions) Regulations 2024 (Cth)*

The Centre for Asylum Seekers Refugees and Detainees (CARAD) is an independent, community-based organisation providing essential welfare and advocacy support to people seeking asylum, refugees and detainees (refugees) in Western Australia. CARAD's vision is for a welcoming Australia where refugees are treated with full respect and compassion and are afforded the opportunity to rebuild their lives as independent community members.

We are making this submission because we are deeply concerned that the *Migration Amendment Bill 2024 (Cth)* and *Migration Amendment (Bridging Visa Conditions) Regulations 2024 (Cth)* which the Government has introduced to Parliament in response to the High Court decision in *YBFZ v Minister for Immigration, Citizenship and Multicultural Affairs* has dire implications for refugees.

CARAD strongly opposes this Bill in its entirety and once again expresses its deep concern regarding the degrading, cruel, inhumane and punitive approach to refugee policy and legislation.

Our understanding is that the Government's legislative response will create a new offshore warehousing regime, where unknown third countries will be paid to warehouse, or otherwise deal with, people who need our protection.

People who have only just begun to rebuild their lives after years in detention could be shipped to Nauru or elsewhere, where they may be locked up once again. The laws will rip people from their families and homes and prevent them from ever returning to their lives in the Australian community. There are no safeguards to ensure that people will be protected in these third countries.

The catastrophic harm suffered by people who were previously subjected to offshore processing in Nauru and Papua New Guinea is well known. This is presumably why the Government is now attempting to shield itself from civil liability for harm that people may suffer as a result of these arrangements.

The measure would also allow the Government to revisit 'protection findings' made in relation to all refugees. While initially the powers would be limited to refugees on certain Bridging visas, they could be expanded at any time to people holding other visas. Refugee status should be durable and lasting, not transient or open to reversal at the Government's convenience.



The Bill would allow refugees to be sent to third countries where they might, in turn, either be detained or deported back to a country where they face serious harm. Nothing in the Bill requires the Government to consider the fate of a person once they are removed to a third country pursuant to “reception arrangements.”

The new test for the imposition of curfews and ankle bracelets on BVR holders does not account for the fundamental constitutional protections upheld by the High Court in *YBFZ*. It does not change the punitive nature of home detention and constant electronic surveillance, and it continues to place decisions about whether such restrictions are necessary in the hands of the Government.

In 2021 the ALP adopted the following policy: *Labor’s policy should be framed to provide a positive and compassionate approach by a Labor Government to the treatment of refugees, rather than a reaction to the punitive and cruel approach of the Coalition Government. Refugees and those seeking asylum in Australia are to be welcomed under a Labor Government as assets who enhance this nation and our economy and provide positive contribution to our strong multicultural society.*

We would ask the Government to act in keeping with this policy and end the uncertainty for asylum seekers and refugees many of whom have been here for over 10 years. Enough is enough. They need permanency and many need to be reunited with their families who have waited such a long time to come to Australia.

We ask that the Senate Committee reject this Bill and associated Amendments.

Thank you for considering our submission. We would be prepared to make a verbal submission to the Senate Inquiry if invited about the impact the Bill and Regulations will have on the lives of the people that CARAD supports.

Yours sincerely

Rosemary Hudson Miller
Chairperson