

Migration Amendment Regulation 2012 (No. 6)

FRLI ID: F2012L02021

Tabled in the House of Representatives and the Senate on 29 October 2012

Portfolio: Immigration and Citizenship

Committee view

2.2 The committee seeks further information from the Minister for Immigration and Citizenship regarding the claim in the statement of compatibility that the regulation does not engage any rights.

Purpose of the bill

2.3 The purpose of the regulation is to amend the *Migration Regulations 1994* to prescribe a new class of persons as eligible non-citizens under paragraph 72(1)(b) of the *Migration Act 1958*.

2.4 According to the explanatory statement, as eligible non-citizens, persons in this class of persons are able to make valid applications for bridging visas in Australia subject to any other provisions in the Act or the principal regulations. Non-immigration cleared persons who meet initial health, identity and security requirements, and who do not pose an unacceptable risk to the Australian community, will therefore be progressively considered for release from detention on bridging visas while their asylum claims are assessed.

Compatibility with human rights

2.5 The statement of compatibility states that the regulation does not engage any rights.

2.6 The committee notes that the regulation establishes new criteria for releasing people from immigration detention. As such it is likely to engage the right against arbitrary detention in article 9 of the International Covenant on Civil and Political Rights (ICCPR).

2.7 The committee proposes to write to the Minister for Immigration and Citizenship to seek clarification for the claim that the regulation does not engage any human rights.