

Dear Senate Committee

I am writing to express my concern and opposition to the proposed changes affecting the migration act. The Migration Amendment (Designated Unauthorised Arrivals) Bill 2006 should be opposed for a number of reasons. I have addressed some of these below.

1. People who have a fear of persecution have a right to seek asylum and must not be punished for doing so. Transferring asylum seekers to detention centres in remote, offshore locations is a form of punishment. Article 31 of the Refugee Convention maintains that penalties shall not be imposed on refugees on account of their illegal entry or presence in a contracting state. The proposed amendments penalise asylum seekers who reach Australia by sea, therefore particularly affecting refugees from the Pacific region.
2. Australia has an international legal obligation to provide protection to refugees who land in Australia. This obligation cannot be left to a 'third country' to meet.
3. Both asylum seekers and refugees will again face the prospect of indefinite detention in a remote and isolated location.
4. Children will again be forced to grow up in detention, a situation that has been repeatedly internationally condemned.
5. Asylum seekers will be denied access to a fair and impartial review process via the Refugee Review Tribunal. Access to legal advice and representation could also be restricted. The Tribunal has reversed thousands of the Government's decisions in recent years. Without this review refugees may be returned to face persecution.
6. The Federal Ombudsman will be unable to review offshore cases of long-term detention.
7. Finally, the removal of asylum seekers and refugees from the Australian mainland will increase the feeling of isolation and loneliness that people in detention experience. This may lead to unnecessary cases of mental illness and foster an outlook of helplessness which has been experienced by many refugees who have been detained for long periods of time on Nauru and other Pacific Islands.

In summary, the proposed changes deny basic human rights to people who have faced persecution and breach Australia's international obligations under the Refugee Convention. Furthermore, the changes are unnecessary and place further hardship on the shoulders of people who have already faced persecution and often an arduous journey to Australia's mainland.

Yours in Hope and Respect,  
Daisie Barham

Aspley, Brisbane.