

20th May 2006

SUBMISSION TO:

Enquiry into the Provisions of the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006.

From: Jean Jordan
Eltham
Vic

As a long-term member of, and writer for, Amnesty International and an active supporter of human rights and of the human rights of refugees seeking refuge in Australia, I would like to offer the following brief points as my submission to this enquiry:

a.. Much of the welcome reforms made following recommendations by the Palmer Enquiry will no longer apply. It is claimed, and widely believed, that these proposed changes are in response to disapproval by Jakarta of Australia's acceptance of 42 West Papuans as refugees. If true, this is a matter for shame.

b.. Asylum claims will be decided by Immigration officials, with no access to review or appeal under Australian law; had this process been used for those seeking asylum from persecution in Iran, Iraq and Afghanistan during the last six years, many who were initially rejected, then ultimately found to be refugees in need of protection (the majority) would have been returned to the countries from which they fled in fear

c.. Refoulement is a grave risk. The proposed legislation contains no adequate guarantee of safety. It contains no definition of a "safe country".

d.. The plan for detention and assessment on Nauru is not acceptable. Nauru is not a signatory to the 1951 Convention on Refugees, and has therefore no obligation not to expel or return refugees.

e.. As has been the case with detention centres within Australia, the accountability of private companies who manage these centres cannot be guaranteed. It will be even more difficult for N.G.O.s and church groups to monitor detention conditions and processing standards in remote, off-shore centres.

f.. Violation of Australia's international obligations under the above Convention, particularly Articles 3, 31, 32 and 33.

g.. Australia's international reputation as a civilised humanitarian nation will be sullied even further. A poor example to other countries will be set.

h.. The UNHCR has voiced its disapproval.

i.. Cost to the Australian taxpayer of establishing and maintaining the centre on Nauru, a poor nation which seems (understandably) to have succumbed to Australia's offer of "aid with strings attached."

I thank you for the opportunity to make this submission and I hope that, in spite of its brevity, it will be given due consideration by the Committee.

Jean Jordan