



UNITED NATIONS YOUTH ASSOCIATION OF AUSTRALIA

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National Executive 2005-2006

President

Ravi Chandra
50 Mindona Street
Wishart QLD 4122
Telephone: (07) 3343 2180
Mobile: 0411 277 764
Facsimile: (07) 3849 3511
E-mail: president@unya.asn.au

Vice President

Ben McKay
13 Sharps Rd
Lenah Valley TAS 7008
Telephone: (03) 6278 1140
Mobile: 0400 101 847
E-mail: secretary@unya.asn.au

Secretary

Elisabeth Landels
41 Napier Street
Cottesloe WA 6011
Telephone: (08) 9385 0910
Mobile: 0433 945 975
E-mail: secretary@unya.asn.au

Treasurer

Tim Morris
17 Barnes Way
Morley WA 6062
Telephone: (08) 9279 7542
Mobile: 0422 221 407
E-mail: treasurer@unya.asn.au

Immediate Past President

Travers McLeod
9 Piper Place
Bateman WA 6150
Telephone: (08) 9310 5211
Mobile: 0421 034 648
E-mail: travers.mcleod@unya.asn.au



Website

www.unya.asn.au



ABN 12 009 800 576

Senate Inquiry Submission

Migration Amendment (Designated Unauthorised Arrivals) Bill 2006

The proposed changes to the Migration Act, described as a "knee-jerk reaction to appease Indonesia", have been widely criticised by the media, public, opposition and coalition members alike. And rightly so.

If these laws pass, asylum seekers will not be able to stay in mainland detention centres while their claims are processed. Instead, it will be on Nauru, Christmas Island and Manus Island - out of sight and scrutiny of the media and the Australian people - that their cases will be determined.

Furthermore, detainees will have no access to the Australian medical system and case managed mental health care. Access to Australian legal counsel, visitors and advocacy agencies will be severely limited. By keeping detainees offshore, they will not be protected by the oversight of the Commonwealth Ombudsman, and will therefore be extremely vulnerable.

The United Nations Universal Declaration of Human Rights states in Article 14 that "*every person has a right to seek asylum in any territory to which they can gain access*". By excising the entire Australian mainland, we are severely limiting access to our territory and therefore the right to seek asylum. This effectively means that true refugees, the ones who can't fly into Sydney Airport but may barely afford a boat ticket, are excluded. As a result Australia denies asylum to any real refugees.

The legislation is distressingly regressive, reversing Australia's progress last year in ensuring children are kept out of indefinite detention. If these laws pass, children can once again be returned to detention, and are at extreme physical and mental risk. In Australia, the only documented incidents of *pre-adolescent* suicide attempts are in immigration detention.

Finally, the proposed legislation is born of questionable motivations. Criticised as an attempt to "appease Indonesia", Australia is at risk of tainting the refugee determination process with our own domestic interests. International Human Rights Law is intended to transcend nationalistic foreign affairs issues.

United Nations Youth Association of Australia

Committee verification of this submission is via:

Viv Benjamin: 0416 041 357 or 9859 6075
1 Taurus Street, North Balwyn Vic 3104

For Further Information please contact:
UNYA National President Mr Ravi Chandra (0411 277 764)
or visit www.unya.asn.au