



22<sup>nd</sup> May 2006

Committee Secretary  
Senate Legal and Constitutional Committee  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia

Dear Sir,

**Submission: Migration Amendment (Designated Unauthorised Arrivals) Bill 2006**

The St Vincent de Paul Society wishes to put on record its disagreement in entirety with the proposed legislation. The suggested amendments put Australia in direct contravention with the Refugee Convention, to which Australia is a signatory, notwithstanding the strong moral imperatives to afford basic human rights protection to asylum seekers. The Society's experience with refugees and asylum seekers has shown how deleterious the effects of mandatory detention are, and as such any move to increase detention, particularly of women and children, is strenuously opposed.

The proposed law is of concern to the Society on a number of fronts:

- It will put women and children in a situation of mandatory indefinite detention, of dubious quality and with few, if any, safeguards;
- It takes existing protections surrounding refugee processing on Australian soil away from asylum seekers, such as the RRT and the Ombudsman. The RRT review process has been found to be essential, with high turnover rates for DIMA decisions for asylum seekers from particular countries. The oversight protection offered by the Ombudsman's office for people in detention is an essential check to the sweeping powers DIMA has in relation to detaining individuals.;
- The proposed law is in contradiction with the Refugee Convention, in respect to Australia's obligations not to penalize asylum seekers due to their method of arrival in Australia;
- The motive for the law is apparently to appease a neighboring state with a questionable human rights record. Lowering standards of human rights and refugee protection in this manner brings into question Australia's own standards, and weakens our position internationally in relation to advocating for international standards and human rights in our region, creating a dangerous precedent and harming our international reputation in the process;
- The cost in financial terms of the so-called "Pacific Solution" has proven to be exorbitant, with millions of dollars of tax payer money squandered on an inefficient and unnecessary system of offshore detention for refugees who were eventually found to be genuine, who settled in Australia with significant mental health issues, which yet again, tax payer funds are used to alleviate;

The Society calls on the government to uphold the Refugee Convention. Refugees have given an invaluable contribution to Australia. Australia has the resources, so to abrogate our international responsibilities in the manner proposed by this law is shameful.

Yours sincerely,

Brian Bull  
Acting National President