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Date: 23 May 2006

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Jonathan Curtis
Secretary
Senate Legal and Constitutional Legislative Committee

By email to: LegCon.Sen@aph.gov.au

Dear Mr Curtis

MIGRATION AMENDMENT (DESIGNATED UNAUTHORISED ARRIVAL) BILL 2006

Thank you for the invitation to Legal Aid Queensland for submissions in relation to the *Migration Amendment (Designated Unauthorised Arrivals) Bill 2006* ('the Bill').

Legal Aid Queensland is not funded to generally advise and represent clients in migration matters, however a grant of legal aid may be made for proceedings in the Federal Court, Federal Magistrates Court or High Court dealing with a migration matter, including a refugee matter, in certain test cases. We also provide an advice service at the Administrative Appeals Tribunal which includes the provision of advice on migration matters before that Tribunal.

We refer many clients seeking migration advice to the Refugee and Immigration Legal Service ('RAILS'). We support the submission to your Committee by RAILS and oppose the Bill for the reasons set out in that submission.

It is Legal Aid Queensland's position that the Bill should be abandoned. This Bill breaches the *Refugee Convention*, dismantling international protections which have developed over many years. Offshore processing will deny people access to independent legal advice about claims for asylum and will therefore decrease access to justice for this disadvantaged group.

The National Inquiry into Children in Immigration Detention found numerous and repeated breaches of the *Convention on the Rights of the Child* in the current immigration system and recommended the release of children. The enactment of these proposed changes is likely to lead to further breaches of children's human rights, which we do not find acceptable.

We ask you to consider the social costs flowing from expansion of the "Pacific Solution". As the RAILS submission states, continuing uncertainty for people waiting for finalisation of their claims for asylum is likely to lead to serious psychological problems. An increase in problems of this nature, the increased fracturing of families and an Australian Government message that asylum seekers will be treated harshly will only increase social dysfunction.

Yours faithfully

GRAHAM QUINLIVAN
A/CHIEF EXECUTIVE OFFICER