

[Migration Legislation Amendment \(Regional Processing Cohort\) Bill 2019](#)

From: Montmorency Asylum Seekers Support Group (MASSG)

MASSG was established in 2003 to help asylum seekers living in our community without access to food. MASSG has since expanded our activities and now support such people in many and varied ways. Hundreds of local residents participate in our activities. Our broader network involves numerous organisations across local and neighbouring suburbs, including many churches, schools, local government, clubs, U3A, and broad-based community groups.

MASSG and its community network are particularly concerned about the treatment of those who arrived by boat and have been now held for up to six years in PNG and on Nauru. These people have been subject to neglect and abuse and many have suffered serious illnesses or injuries. Many have been driven to despair, resulting in countless occasions of self-harm, including by children, and suicide attempts, tragically, some successful. The offshore processing arrangements are designed to demoralise, and to ‘encourage’ people to consider returning to the countries from which they have fled violence and persecution.

Most of these people who arrived by boat since 2013 have been determined to be refugees, and Australia owes them protection under the UN Refugee Convention.

MASSG is strongly opposed to the proposed Migration Legislation Amendment because

- it would permanently deny these people the right to settle in Australia, and potentially even the right to visit. Many of these people have family members living in Australia, and the proposed legislation would permanently separate families. Family ties matter greatly, and these people should not be denied their families.
- The proposed amendment would be a specific and deliberate breach of Article 31 of the UN Refugee Convention, which states that people have a right to seek asylum in another country and should not be penalised for their mode of arrival in another country.
- The current offshore processing regime is a punitive measure which targets people who arrive by boat, and which is designed to obscure Australia’s responsibility to offer them protection. If passed, the proposed amendment to the Migration Act would enshrine this denial of rights in Australian law.
- It would almost certainly result in a permanent commitment to the offshore arrangements which have been so damaging to all those subjected to them – and the continuation of this institutional cruelty and violation of the right to liberty and dignity, and the right to seek asylum. Apart from a limited number of people on Manus Island who may be accepted by the United States, there is currently no prospect for those remaining to be settled in other countries, so this legislation would mean long term and possibly life-long detention in PNG and Nauru.
- The Australian Parliament should not legislate injustice. Legislators have a duty to consider the impact of laws, and to avoid legislation that will harm innocent and vulnerable people.
- As parliamentarians in a liberal democracy, our elected representatives need to uphold the freedoms and rights which we all hold dear, and to make sure that these universal rights and freedoms are also extended to those who legitimately seek our protection. We should never knowingly and intentionally inflict harm on innocent people.

We urge the members of the Senate Committee to stand for justice, and to reject this Bill.