



7 August 2019

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

Dear Committee Secretary,

The Australian Human Rights Institute, UNSW Sydney, wholly endorses the submission by the Kaldor Centre for International Refugee Law on the Migration Legislation Amendment (Regional Processing Cohort) Bill 2019 [Provisions].

Our colleagues submit that this Bill should not be passed, because it is unnecessary, it violates the rights of children and families, and it is incompatible with Australia's international obligations.

As the submission illustrates, this Bill would violate Australia's international human rights obligations to protect families and children. Australia's obligations under the UN Convention on the Rights of the Child (CRC) require that children are not separated from their parents against their will. The best interests of the child must be considered, regardless of the child's legal status. As the submission notes, the application of this Bill would likely be inconsistent with the CRC, as it could result in the permanent separation of children from their parents.

The Australian Human Rights Institute echoes the Kaldor Centre's view that the current system of offshore processing in Nauru and Papua New Guinea is cruel to refugees, and grossly neglectful of the basic principles of international human rights and refugee law. As the submission makes clear, the Bill and its proposed ban on certain persons would not improve Australia's status in regional cooperation in refugee protection in the Asia-Pacific. In fact, it would do the opposite, by further undermining the international protection regime.

Yours sincerely,

Australian Human Rights Institute

Australian Human Rights Institute  
Room 153, Law Centres Precinct  
The Law Building  
UNSW SYDNEY NSW 2052 AUSTRALIA