



Queenscliff Rural Australians for Refugees

August 6th, 2019

Submission to Senate Legal and Constitutional Affairs Committee

Migration Legislation Amendment (Regional Processing Cohort) Bill 2019

Queenscliff Rural Australians for Refugees (RAR) is a community group active on the Bellarine Peninsula and in the Geelong Region in Victoria. We have a membership of over 640 people who are voters of all persuasions desiring a humane, fair and welcoming policy for refugees and people seeking asylum.

Article 31 of the Refugee Convention prohibits penalising people for their mode of entry into a country if the purpose is to seek asylum. Most of the people who have been held on Nauru and PNG have been recognised as refugees. Yet they have been penalised for up to six years in indefinite captivity on Nauru and PNG and, in some cases, in onshore detention in Australia. This is in breach of Article 31 of the Refugee Convention.

Queenscliff RAR believes that this cohort of people is owed protection by Australia and should be urgently resettled either in Australia or a third country, such as New Zealand.

However, Queenscliff RAR has serious concerns about the proposed Migration Legislation Amendment (Regional Processing Cohort) Bill 2019. We are concerned that the Home Affairs Minister has stated that accepting New Zealand's offer to resettle refugees from PNG and Nauru is conditional on this Bill being passed. We consider that the proposed legislation has serious flaws.

The UN Refugee Convention considers that *'the unity of the family, the natural and fundamental group unit of society, is an essential right of the refugee'*.

Under the proposed legislation, people in this cohort who have family members in Australia will be permanently separated from them. There is simply no humane justification for splitting families apart for life. The unity of the family is an essential right of a refugee. Families need to be kept together in order to successfully rebuild their lives.

The proposed Bill suggests the Minister should have the power to prevent individuals, or cohorts (classes of people) from applying for visas to visit Australia. Queenscliff RAR believes that this is an overreach of Ministerial power. All people should have access to a fair and transparent application process. To give a Minister the power to exclude individuals, or cohorts of people, from applying for visas, will compromise the fairness of process and introduce opportunity for personal bias.

Queenscliff RAR considers that the Migration Legislation Amendment (Regional Processing Cohort) Bill 2019 is a flawed Bill that breaches the international obligations of Australia. It is a Bill that is entirely unnecessary, because the Migration Act already contains extensive powers and safeguards to ensure that visas of any kind are obtained legitimately. For these reasons we oppose the Bill.

Yours sincerely,

Sue Longmore OAM, for Queenscliff Rural Australians for Refugees.