

24 February 2023

Justice for Refugees SA



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

Dear Committee Members,

Re: Inquiry into the Migration Amendment (Evacuation to Safety) Bill 2023

Justice for Refugees SA Inc. (Justice for Refugees SA) welcomes the opportunity to contribute to the Committee's inquiry into the Migration Amendment (Evacuation to Safety) Bill 2023 (the Bill).

Justice for Refugees SA is a non-partisan community organisation working for the just and humane treatment of people seeking asylum in Australia and those who come to Australia as refugees building on Australian traditions of generosity, openness and fairness. Our members come from a diverse range of backgrounds and occupations, community organisations and welfare groups, united by the quest for justice for refugees.

We welcome the opportunity to strongly support the Bill, which would compel the Government to offer transfer to Australia to all persons subject to offshore processing still in PNG or Nauru within one month of the commencement of the Bill.

We note the key provisions outlined in its accompanying explanatory memorandum:

- This Bill will compel the Government to offer transfer to Australia to all persons subject to offshore processing still in PNG or Nauru who are not subject to an adverse security assessment by the Australian Security Intelligence Organisation (ASIO) under the *Australian Security Intelligence Organisation Act 1979*.
- Persons accepting the Government's offer will be transferred to Australia where they will remain until they are provided with a durable third-country solution with a state party to the United Nations' 1951 Convention Relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees.
- All persons accepting the Government's offer will automatically be placed into community detention.
- This Bill will compel the Government to make offers of transfer to all eligible persons within one month of the commencement of the Bill.

- Any person who receives an offer under the provisions of this Bill is able to reject the offer.
- People transferred to Australia under the provisions of this Bill will remain in Australia with the temporary purpose of securing a durable solution to their displacement.
- Existing powers within the *Migration Act 1958* regarding the taking of unauthorised maritime arrivals to a regional processing country do not apply to persons transferred to Australia under the provisions of this Bill.

This Bill must pass so that all people who accept this offer will be evacuated to Australia as soon as is practicable after their acceptance of the offer, and they can receive appropriate medical and psychiatric assessment or treatment and automatically be placed into community detention.

There are still around 150 refugees being held in PNG and Nauru who urgently need to have their freedom restored. The sooner refugees are free, the sooner they can start the journey to recover and thrive as part of a safe community and rebuild their lives in safety.

They have been unable to reunite with family or have any certainty about their future after nearly a decade. There were 18 people held offshore whose health has deteriorated to a point where they are immobile or non-verbal due to offshore processing conditions. After a decade, every person held offshore is in need of medical care.

Justice for Refugees SA has seen many examples of refugees arriving, living in the community, obtaining work, going on to build their own successful businesses, and contributing to the Australian society and economy. Those currently held offshore should be given the same opportunities.

We note the wide support the Bill has received from human rights, justice and refugee advocacy groups not only in Australia, but also in Papua New Guinea.

Justice for Refugees SA strongly supports the Bill and commends it to the Parliament for prompt consideration and passage.

Sincerely yours,

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