



Australian Iranian Community Alliance Inc.

**A Submission to:**

- Senate Legal and Constitutional Affairs Committee
- The Minister for Immigration, Citizenship, Migrant Services, and Multicultural Affairs
- Members of the Senate and House of Representatives
- Parliamentary Joint Committee on Human Rights
- The Attorney-General of Australia

## Balancing the Scales: Constitutional Integrity and the Human Toll of Australia's Deportation Bill

Migration Amendment (Removal and Other Measures) Bill 2024

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## Executive Summary

### Brief overview of the submission's purpose

The proposed Migration Amendment (Removal and Other Measures) Bill 2024 aims to significantly amend the Migration Act 1958, focusing on enhancing the government's ability to manage the removal of non-citizens from Australia. This legislation introduces key concepts such as "removal concern countries" and outlines duties for non-citizens to cooperate with their removal process. Additionally, it vests considerable power in the Minister to designate countries as removal concerns and to direct non-citizens in their efforts to leave Australia, under the threat of severe penalties for non-compliance.

At the heart of this bill are provisions that could potentially infringe on Australia's longstanding commitments to human rights principles. By facilitating easier removal of non-citizens and prescribing mandatory detention for those who fail to comply with removal directives, the bill raises serious ethical and legal concerns. Particularly alarming is the discretion it grants the Minister to make unilateral decisions on designating removal concern countries, without apparent recourse or review. This could lead to situations where individuals are returned to countries where they may face persecution or harm, directly contravening the principle of non-refoulement, a cornerstone of international refugee law to which Australia is bound.

The bill's broad definitions and lack of clarity around the criteria for designating removal concern countries introduce a level of ambiguity that could lead to arbitrary and potentially discriminatory practices. This ambiguity extends to the powers afforded the Minister, including the ability to determine exceptions to the rules governing visa applications by nationals of designated countries. Such powers, exercised without mandatory oversight or clear guidelines, pose a risk to the rule of law and principles of fairness and transparency.

Of particular concern is the impact of these amendments on vulnerable populations, including refugees and asylum seekers. The bill's provisions for mandatory minimum penalties and the emphasis on rapid removal, without adequate consideration for individual circumstances, threaten to exacerbate the vulnerabilities of these groups. It undermines the protective intent of the Migration Act 1958 and Australia's international obligations to provide asylum and protect human rights.

This submission argues that the proposed bill, while aiming to streamline and enforce removal processes, does so at the cost of Australia's ethical, legal, and humanitarian responsibilities. It overlooks the complex realities faced by non-citizens seeking refuge or residing in Australia under various conditions. The submission calls for a reconsideration of the bill, urging amendments that respect Australia's international commitments, uphold human rights, and ensure that the administration of justice is fair, transparent, and accountable.

In summary, while the intent to regulate immigration and protect national security is understandable, the means proposed by the Migration Amendment (Removal and Other Measures) Bill 2024 risk undermining the very principles that define Australia as a nation committed to justice, fairness, and the protection of human rights. This submission advocates for a balanced approach that safeguards the nation's security and upholds its international and moral obligations towards all individuals, especially the most vulnerable.

## Summary of key points and recommendations

The imperative to critically examine this legislative proposal extends beyond the confines of regulatory necessity, reaching into the profound realms of our humanitarian obligations and core values. The bill, as proposed, casts a shadow of concern over the preservation of fundamental human rights, grants unprecedented discretionary power to the Minister, and portends adverse consequences for the most vulnerable factions within our society. Given these grave considerations, our submission articulates a suite of recommendations crafted to ensure the legislation's alignment with Australia's global commitments, established legal norms, and the enduring principles of justice and compassion that are the bedrock of our national identity.

This submission endeavors to illuminate the pressing issues and far-reaching implications of the bill, delving into its legal, ethical, and humanitarian aspects. We succinctly outline the pivotal points at the heart of our critique—emphasizing the bill's potential to infringe upon human rights, the expansive authority it confers upon the Minister, and its uneven impact on vulnerable populations. These critical observations form the basis of our proposed recommendations, advocating for legislative reform that faithfully reflects Australia's dedication to dignity, equity, and adherence to international legal frameworks.

## Key Areas of Concern:

- **Legal and Humanitarian Implications:** Scrutinizing the bill's alignment with humanitarian laws and principles.
- **Ministerial Discretion:** Evaluating the breadth of authority granted to the Minister and its implications.
- **Impact on Vulnerable Populations:** Assessing the bill's repercussions for refugees, asylum seekers, and other at-risk groups.
- **Compatibility with International Commitments:** Considering the bill's congruence with global human rights obligations.

## Targeted Recommendations:

Our submission lays out targeted recommendations aimed at mitigating the identified concerns and enhancing the bill's respect for human rights, governance transparency, and the welfare of vulnerable demographics. In the event that the proposed bill proceeds, we advocate for the following measures as essential modifications to align the legislation with Australia's international duties and the foundational principles of justice and compassion that delineate our nation:

- **Introduce Judicial Oversight:** Establish mechanisms for the judicial review of ministerial decisions.
- **Clarify Ministerial Powers:** Define and limit the Minister's powers to prevent arbitrary application.
- **Safeguard Against Non-Refoulement Violations:** Embed explicit protections to prevent the return of individuals to places where they face harm.
- **Enhance Procedural Fairness:** Guarantee fair processes, including the right to appeal and access to legal representation for individuals subject to removal.

- **Protect Vulnerable Populations:** Introduce specific measures to safeguard refugees, asylum seekers, and other vulnerable individuals.
- **Align with International Standards:** Amend the bill to ensure full compliance with international human rights and refugee laws.
- **Community and Stakeholder Engagement:** Engage in comprehensive consultations with affected communities and experts.
- **Monitor and Review:** Implement ongoing monitoring and review mechanisms to assess the bill's impact and make necessary adjustments.

Through these recommendations, we urge a reevaluation of the proposed bill to incorporate a balanced approach that honors both the integrity of Australia's immigration system and its humanitarian responsibilities.

## Introduction

### Contextual Background of the Proposed Legislation

The Migration Amendment (Removal and Other Measures) Bill 2024 represents a significant shift in Australia's approach to immigration and border control. Introduced to the House of Representatives, the bill seeks to amend the Migration Act 1958, primarily focusing on facilitating the removal of non-citizens from Australia and reinforcing the obligations of non-citizens in cooperating with their removal. This legislative move comes against a backdrop of growing concerns over national security, immigration compliance, and the integrity of Australia's borders. The bill introduces measures such as designating "removal concern countries" and imposing duties on non-citizens to comply with removal directions under threat of severe penalties, reflecting a stringent stance on immigration control.

### Statement of the Organisation's Stance Against the Bill

The Australian Iranian Community Alliance Inc., representing a passionate collective of Iranian Australian communities, unequivocally opposes the Migration Amendment (Removal and Other Measures) Bill 2024. While our commitment to human rights and justice remains unwavering, it is crucial to address the direct impact of this proposed legislation on the Iranian diaspora and broader vulnerable populations within Australia.

Despite ongoing efforts to bring to light the human rights violations occurring in Iran, the introduction of this bill marks a significant oversight of the hardships faced by those fleeing such regimes. The bill's lack of distinction between the oppressive actions of governments and the plight of their citizens sends a concerning message to the diaspora, who seek refuge and solidarity in Australia. Particularly for Iranians, who have lived with the stigma of a "country of concern" for over four decades due to the Islamic Republic's reign, the bill signifies a potential barrier to the support and sanctuary they desperately need.

Our organization contends that managing immigration and ensuring national security must not undermine human rights, international obligations, or principles of fairness and compassion. The bill, as proposed, risks doing just that by affording excessive discretionary powers to the Minister without adequate oversight, potentially violating the principle of non-refoulement, and lacking procedural fairness for individuals subject to removal. These aspects pose a grave threat to Australia's commitment to upholding international human rights standards.

Therefore, we urge a reconsideration of the Migration Amendment (Removal and Other Measures) Bill 2024, advocating for amendments that recognize the unique challenges faced by the diaspora and other vulnerable groups. Our call is for policies that embody justice, equity, and a genuine commitment to the humanitarian values that Australia has long championed.

### Overview of the Submission's Structure

This submission is structured to systematically address the multifaceted implications of the proposed bill. Following this introduction, we delve into a detailed **Legal Analysis** section, scrutinizing the bill's compatibility with Australia's international legal commitments and the principles enshrined in the Migration Act 1958. We then present a **Humanitarian Perspective**, highlighting the real and potential human costs associated with the bill's implementation, especially on asylum seekers, refugees, and other vulnerable groups. Subsequently, we examine **Public Opinion Survey**, drawing attention to the broader societal concerns and the call for unity against measures that undermine Australia's humanitarian values. The submission culminates in a comprehensive list of **Recommendations**, offering constructive alternatives and amendments that align the bill with legal, ethical, and humanitarian standards. Each section is designed to not only critique the bill's current provisions but also to propose pathways towards a more balanced and just immigration policy framework.

## Legal Analysis<sup>1</sup>

The proposed Migration Amendment (Removal and Other Measures) Bill 2024 raises substantial concerns about its conformity with Australia's established international obligations under human rights treaties and its potential deviation from the foundational principles of the Migration Act 1958 (Cth).

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<sup>1</sup> Sources:

<sup>1</sup> Australian Human Rights Commission, Human Rights in Australia, <https://humanrights.gov.au/our-work/education/human-rights-australia>

<sup>1</sup> Parliamentary Library, Asylum seekers and the Refugee Convention [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_departments/Parliamentary\\_Library/pubs/BriefingBook44p/AsylumSeekers#:~:text=Australia%20is%20a%20party%20to,social%20group%20or%20political%20opinion.](https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/pubs/BriefingBook44p/AsylumSeekers#:~:text=Australia%20is%20a%20party%20to,social%20group%20or%20political%20opinion.)

<sup>1</sup> Migration Act 1958, Section 5H, [https://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/ma1958118/s5h.html](https://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/ma1958118/s5h.html)

<sup>1</sup> UNSW, Kaldor Centre statement on new migration bill, <https://www.unsw.edu.au/news/2024/03/Kaldor-Centre-statement-deportation-bill>

<sup>1</sup> Parliament of Australia, Migration Amendment (Removal And Other Measures) Bill 2024, Explanatory Memorandum, [https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r7179\\_ems\\_15d6c6db-ae11-4189-8420-3efe9cad11fb%22](https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r7179_ems_15d6c6db-ae11-4189-8420-3efe9cad11fb%22)

<sup>1</sup> Parliament of Australia, Migration Amendment (Removal And Other Measures) Bill 2024, Explanatory Memorandum, [https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r7179\\_ems\\_15d6c6db-ae11-4189-8420-3efe9cad11fb%22](https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r7179_ems_15d6c6db-ae11-4189-8420-3efe9cad11fb%22)

<sup>1</sup> UNHCR, The protection of Australia's so-called 'legacy caseload' asylum-seekers, <https://www.unhcr.org/au/media/protection-australias-so-called-legacy-caseload-asylum-seekers>

<sup>1</sup> Parliament of Australia, Migration Amendment (Removal And Other Measures) Bill 2024, Explanatory Memorandum, [https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r7179\\_ems\\_15d6c6db-ae11-4189-8420-3efe9cad11fb%22](https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r7179_ems_15d6c6db-ae11-4189-8420-3efe9cad11fb%22)

<sup>1</sup> Amnesty International, Rushed Migration Amendment Bill Creates Spectre Of Trump's "Muslim Ban" Policy, <https://www.amnesty.org.au/migration-amendment-2024/>

This bill, in its attempt to modify existing migration laws, introduces elements that may not only generate legal inconsistencies but also facilitate the discriminatory treatment of certain individuals within its scope. The critical nature of these issues necessitates a rigorous examination and reevaluation to ensure that legislative amendments align cohesively with both domestic laws and Australia's international commitments, thereby safeguarding the rights and dignities of affected individuals.

Australia's role as a signatory to key human rights treaties, including:

- International Covenant on Civil and Political Rights (ICCPR),
- International Covenant on Economic, Social and Cultural Rights (ICESCR),
- Convention on the Rights of the Child (CRC), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- Convention on the Rights of Persons with Disabilities (CRPD),
- Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the
- Convention against Torture (CAT), and
- The 1951 Convention relating to the Status of Refugees and its 1967 Protocol,

underscores its dedication to upholding fundamental human rights (United Nations, 1951; United Nations, 1966; United Nations, 1984).

The latter convention, integrated into the Migration Act 1958 (Cth) through the inclusion of a refugee definition, highlights Australia's commitment to protecting those who fear persecution (Migration Act 1958 (Cth) s 36(2)(a)).

However, the bill's approach, particularly its punitive measures for non-cooperation with removal directives, starkly contrasts with these commitments, notably Australia's non-refoulement obligations.

It categorically excludes "reasonable excuse" for non-cooperation based on fear of persecution, potentially in violation of the ICCPR and the Convention against Torture, both of which Australia is bound to uphold. This position presumes the infallibility of Australia's visa assessment process, ignoring documented concerns by the United Nations High Commissioner for Refugees (UNHCR) and the Australian Parliamentary Joint Committee on Human Rights about the lack of procedural safeguards in Australia's fast-track review process (UNHCR, 2015; Australian Parliamentary Joint Committee on Human Rights, 2016).

Moreover, the bill's potential to forcibly separate families, combined with its broad prohibition on visa applications from nationals of "removal concern countries," raises further legal and ethical dilemmas. This sweeping authority, vested in the Minister with minimal oversight, fails to acknowledge the complex social and cultural fabric of Australia's multicultural community. Such measures, reminiscent of policies critiqued by human rights organizations like Amnesty International for their discriminatory nature, risk contravening the principles enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (Amnesty International, 2017).

Given these considerations, this submission argues for a critical reassessment of the Migration Amendment (Removal and Other Measures) Bill 2024. It calls for legislative amendments that not only respect Australia's legal and ethical obligations but also reflect a comprehensive understanding of the human impact of migration laws. By adhering to the principles of fairness, transparency, and humanity, Australia can ensure its migration framework remains just and equitable for all individuals seeking refuge or a new life within its borders.

The proposed Bill's implications on the principle of judicial review and its alignment with precedents set by the High Court, particularly concerning the rights of asylum seekers and non-citizens, warrant a critical examination.

Judicial review serves as a cornerstone of democratic governance, ensuring that executive actions are exercised within the bounds of law and with respect for human rights. The Bill, by extending broad discretionary powers to the Minister and potentially limiting the avenues for review and appeal, raises significant concerns about the erosion of this foundational principle.

Firstly, by conferring the Minister with expansive authority to designate "removal concern countries" and issue directives for the removal of non-citizens without clear, objective criteria, the Bill risks introducing a level of arbitrariness into migration decisions. This could effectively insulate such decisions from judicial scrutiny, undermining the checks and balances essential for the protection of individual rights under the law.

Moreover, the High Court has established precedents affirming the rights of asylum seekers and non-citizens to fair treatment and procedural fairness. These precedents underscore the importance of transparent decision-making processes and the ability of affected individuals to challenge governmental actions that impact their lives and freedoms.

The Bill's potential to circumvent these established rights through its provisions not only contravenes the spirit of these precedents but also signals a shift towards a more unilateral executive authority in migration matters, diminishing the judiciary's role in safeguarding individual rights against executive overreach.

Additionally, the Bill's emphasis on expediting the removal of non-citizens could pressure the administrative processes to prioritize speed over accuracy and fairness, further distancing the practices from the principles upheld by judicial review. Such an approach could result in decisions that are not fully considerate of the complex realities faced by asylum seekers and non-citizens, including the genuine risks of harm in their countries of origin.

The undermining of judicial review by the Bill could have far-reaching implications, not only for the individuals directly affected but also for the broader legal and democratic framework in Australia.

It challenges the balance of power between the branches of government and risks establishing a precedent where executive discretion in migration matters is less accountable to legal standards and judicial oversight. This development necessitates a thorough reconsideration of the Bill's provisions to ensure they align with Australia's commitment to the rule of law, the principles of justice, and the protection of human rights for all individuals within its jurisdiction.

## Humanitarian Perspective

### Impact on Families and Communities

The proposed Migration Amendment (Removal and Other Measures) Bill 2024 casts a long shadow over the lives of countless first and second-generation Australians, embedding uncertainties and challenges into the fabric of their existence. Through the lens of five hypothetical case studies, we aim to illuminate the profound and varied impacts this legislation will have on families and communities across Australia. These narratives, while hypothetical, are deeply rooted in the realities that many face, offering a glimpse into the potential hardships, dilemmas, and disruptions that could unfold as a direct consequence of the bill's enactment.



Each case study serves as a stark representation of the diverse ways in which the proposed changes threaten to alter the lives of individuals and collectives, highlighting the urgency of reevaluating the bill's implications on the social and familial bonds that underpin our society.

### **Hypothetical Case Study 1: Forced Separation of Partners**

#### The Anderson-Ivanov Family

Meet Jessica Anderson, an Australian citizen with a passion for travel and adventure, and Ivan Ivanov, a charming and ambitious man. Jessica and Ivan met serendipitously while studying abroad, instantly drawn to each other's intellect and zest for life. Their connection blossomed into a deep and enduring love, transcending borders and cultural differences.

As her studies concluded, Jessica received a once in a lifetime job opportunity back in Australia. While Ivan continued his studies overseas, the two managed to keep their relationship strong by frequent travels of Ivan visiting Jessica in Australia. Jessica and Ivan dreamed of building a life together in Australia, where they could pursue their careers, create a home, and start a family.

However, their dreams are shattered when Ivan's country of birth is designated a "removal concern country". Due to Ivan's nationality being banned entry, he faces insurmountable barriers in obtaining any type of visa, including a partner visa, to join Jessica in Australia. His country of origin is not responding to the Australian Government's pressures to accept their deported citizens back. Given this, the couple are losing hope they can ever build a life together.

They have requested an exemption from the immigration minister in Australia but that has been declined as their relationship is not considered de facto. The prospect of being forcibly separated from her beloved Ivan fills Jessica with profound anguish and despair. The thought of building a future without him by her side is unbearable, as they had envisioned sharing life's joys and challenges together. Their dreams of marriage, children, and growing old together now hang in limbo, overshadowed by the looming threat of being forced to end their relationship.

### **Hypothetical Case Study 2: Health Crisis and Family Separation**

#### Ms. Fatima

Ms. Fatima, a citizen in her late 50s, has called Australia home for over three decades. She arrived in Australia as a refugee fleeing conflict and has since established a stable and prosperous life in her adopted country. Throughout the years, Ms. Fatima has remained closely connected to her elderly parents and siblings who still reside in her country of origin.

Recently, Ms. Fatima received devastating news—she has been diagnosed with a severe and life-threatening illness that requires immediate medical attention. As her health rapidly deteriorates, Ms. Fatima's family is desperate to travel to Australia to provide her with the emotional support and care she urgently needs. However, due Ms Fatima's country of origin being designated a "removal concern country", her family is unable to obtain the necessary visas to enter Australia. There are no exceptions made for the health crisis Ms. Fatima now faces.

As a result, Ms. Fatima finds herself facing her health crisis without the comfort and support of her loved ones by her side. Her family is heartbroken by their inability to be there for her during this critical time, and Ms. Fatima is left feeling isolated and vulnerable.

### **Hypothetical Case Study 3: Separation of Families**

#### The Rahmani Family

Meet Ali and Fariba Rahmani, a loving couple residing in Australia with their two young children. Fariba, immigrated to Australia with Ali, and they have built a life filled with love, laughter, and cherished memories. Despite the distance from their homeland, the Rahmani family remains deeply connected to Fariba's parents and siblings, who still reside in their origin country. Their country of origin is considered unsafe by Australian government to travel so they rely on their family members visiting them in Australia.

However, the fabric of the Rahmani family's bond is threatened by the designation of their country of origin as a "removal concern country". This imposes stringent restrictions on visas for individuals from their country of origin, effectively barring Fariba's family members from entering Australia. This harsh reality severs the Rahmani family's ability to nurture their cultural connections and maintain meaningful relationships with their extended family members.

The implication of this separation is profound and far-reaching. The Rahmani children are deprived of the joy of spending time with their grandparents, aunts, uncles, and cousins, robbing them of vital familial support and enriching cultural experiences. Additionally, Fariba, like many mothers, relies on the emotional and practical assistance of her family during significant life events, such as childbirth and childcare. The designation cruelly strips away this essential support network, leaving Fariba to navigate the challenges of motherhood without the comforting presence of her own parents and siblings.

### **Hypothetical Case Study 4: Economic Hardship and Family Support**

#### The Deng Family

Meet James and Sarah Deng, a young couple who call Australia home. Both James and Sarah are proud Australian citizens, deeply rooted in their community and eager to build a family of their own. James and Sarah hail from a country targeted by the restrictive provisions of the bill. Despite their Australian citizenship, they remain deeply connected to their parents, who still reside in their country of origin.

With Sarah four months pregnant with their first child, James and Sarah are confronted with the daunting reality of prohibitive childcare costs in Australia. They will both need to work to maintain their household, they are left grappling with the dilemma of how to afford quality childcare while ensuring their children receive the love and attention they need. Recognizing the invaluable support that their parents could provide, James and Sarah plan to invite their parents to Australia for extended periods during the early years of their children's lives. Not only would this arrangement alleviate their financial burden, but it would also enrich their children's lives with the love and connection of their grandparents.

However, their plans are thwarted when their country of origin is suddenly designated a "removal concern country", which imposes harsh restrictions on visas for individuals from their country. The prospect of being unable to reunite with their parents and provide their children with the nurturing care and cultural connection they deserve fills James and Sarah with profound anxiety and despair.

Unable to afford full time care for their child at home, or to send them to childcare fulltime, Sarah is now faced with a decision to stop working and put her career on hold in order to care for the baby, while both James and Sarah try to work out how they will afford to pay their mortgage without a second income.

### **Hypothetical Case Study 5: Cultural Isolation and increased prejudice**

#### The Moyo Family

Meet Tendai and Farai Moyo, a family who had made Australia their home after migrating here several years ago. Tendai and Farai had built a life in Australia, raising their teenage daughter, Nyasha, in a vibrant and multicultural environment. The Moyos remained deeply connected to their extended family members back home, including grandparents, aunts, uncles, and cousins.

However, their strong ties have been threatened by the enactment of the Migration Amendment (Removal and Other Measures) Bill 2024. The bill's discriminatory provisions not only severed the Moyos' ability to reunite with their loved ones who still live in their country of origin, but also unleashed a wave of prejudice and discrimination.

Following an announcement by the Prime Minister that their country of origin is designated a “removal concern country”, social media is awash with racism targeting people from the designated country. As the only person in her school from the designated country, Nyasha now finds herself subjected to taunts and bullying by her peers, including “the Prime Minister says you have to go back to where you came from!”. As she endures hurtful remarks and exclusion her usual sunny disposition fades as she made to feel isolated and marginalized because of her family's heritage.

The once-harmonious atmosphere of the Moyos' household is shattered by the weight of discrimination, as Nyasha becomes overwhelmed by the emotional toll of being unfairly targeted because of her background.

The devastating consequences of the Migration Amendment (Removal and Other Measures) Bill 2024 were acutely felt by the Moyos, as they faced not only the pain of family separation but also the scourge of prejudice and discrimination. The bill's enactment tore apart the fabric of their lives, robbing them of their cultural connections and subjecting them to the cruel realities of exclusion and marginalization.

These hypothetical case studies illustrate the profound and wide-ranging impact of the Migration Amendment (Removal and Other Measures) Bill 2024 on families across Australia. From the forced separation of partners like Jessica and Ivan, to the heartbreaking health crisis faced by Ms. Fatima without her family's support, and the cultural isolation experienced by Nyasha Moyo due to increased prejudice, these stories paint a sobering picture of the human cost of discriminatory legislation.

As lawmakers consider the implications of this bill, they must confront the stark reality of the lives disrupted and the dreams shattered by its enactment. The devastating consequences extend beyond mere policy measures, touching the very core of individuals' identities, relationships, and well-being. It is incumbent upon policymakers to prioritize compassion, inclusivity, and respect for diversity in crafting legislation that reflects the values of a just and equitable society.

The experiences of the Anderson-Ivanovs, the Rahmani family, the Dengs, the Fatimas, and the Moyos could be a reality for thousands of Australian citizens unless the Senate reaffirms its commitment to an immigration policy wholly non-discriminatory on grounds of race, colour, creed or origin. These stories are powerful reminders of the urgent need to uphold the rights and dignity of all individuals, regardless of their background or nationality. It is only through fostering empathy, understanding, and solidarity that we can build a society where every family can thrive and flourish. Let these stories be a call to action for lawmakers to reconsider the far-reaching powers of the Migration Amendment Bill and work towards policies that unite rather than divide our communities.

### Mental Health and Well-being

In our discussions with the Australian Iranian Society of Victoria (AISOV), a consistent theme emerged from the feedback and stories shared by volunteer counselors, reflecting their sessions with a broad spectrum of individuals who would be affected by the proposed bill.

These narratives came not only from refugees and asylum seekers but also from longstanding citizens and permanent residents who have woven themselves into the fabric of Australian society.

Through these conversations, a unified message was distilled, emphasising their lawful existence, active and positive contributions to the community, and the dire implications of potential separation from their families due to legislative changes. They collectively urge policymakers to consider the human impact of their decisions, highlighting the untenable circumstances the proposed bill would place family members.

The accounts shared reveal a profound concern over the bill's capacity to unfairly target and discriminate against members of their community, appealing for recognition of their rights and contributions. These sentiments, resonating across diverse voices, underscore the deep-seated need for a legislative approach that is rooted in fairness, compassion, and a genuine understanding of the varied experiences of those who call Australia home.

In synthesizing the comments heard by volunteer counselors during their sessions with a wide array of individuals—including refugees and asylum seekers, as well as longstanding citizens and permanent residents—a compelling narrative of inclusion, contribution, and the fear of unjust separation emerges.

These shared experiences and concerns form a powerful testament to the need for thoughtful, compassionate policymaking that truly considers the fabric of lives built within Australia's shores. It is clear from these discussions that the heart of our community's message is a call for equity, safety, and the recognition of every individual's inherent value to society.

The following statements reflect the prevailing concerns within the community:

- "My existence in Australia is lawful; I have followed all legal processes to be here and contribute positively to society."
- "I play an active role in the community, working, paying taxes, and contributing to the economy."
- "I urge policymakers not to exploit my situation for their political advantage, but to consider the human impact of their decisions."

- "Our families have been built here and separating us would cause immense emotional and psychological harm."
- "Returning to my country is not an option due to the dangers and threats I would face there."
- "This bill unfairly targets and discriminates against individuals from my community, denying us equal rights and opportunities."

#### Social and Economic Contributions:

**“We have flourished in part thanks to our cultural diversity that is underpinned by our common values and commitment to freedom, security, and prosperity.”**

*Australian Government's multicultural statement, Department of Home Affairs*

**“-Immigration contributes significantly to Australia's economy. Income tax alone from recent immigrants topped more than \$80 billion.**

**-Migrants attract capital inflows from their country of origin and had a \$12.4 billion positive fiscal impact on the economy.”**

*Why Australia is the world's most successful multicultural society, The McKell Institute*

The beneficial impacts of migration to Australia have been extensively documented, yet they frequently remain overlooked or marginalized in public discourse. Migration policy research delineates three primary avenues through which migrants contribute to their societies:

**Sociocultural:** This category encompasses social and cultural elements such as habits, traditions, and beliefs. Migrants enrich host communities by diversifying food options, creating new forms of music, and achieving sporting milestones. For instance, a Honduran migrant introduced his country's cuisine to the Australian culinary landscape by opening a restaurant. Similarly, an Iranian migrant established a play in Sydney to share his cultural heritage with local youth. This bill will dismantle cultural ties between the designated countries such as Iran and Australia.

**Civic-Political:** Migrants engage in addressing community issues through volunteering, participating in political processes, or working with government entities. Additionally, diaspora communities play a vital role in promoting peacebuilding initiatives and participating in the political affairs of their countries of origin.

**Economic:** Migrants contribute to the economy through various activities related to trade, industry, and entrepreneurship. Research indicates that both low- and high-skilled migrant workers fill labor gaps, enhancing productivity in specific sectors. Moreover, migrants display a higher propensity for entrepreneurship, often attributed to their resilience and adaptive mindset honed through the challenges of relocation. This bill will lessen the diversity of migrant population in Australia and would lower the talent pool available.

The World Migration Report 2020 identifies migrants as catalysts for global innovation through their concentration in innovative economic sectors, patent creation, entrepreneurial endeavors, and facilitation of investment and technology exchanges.

Historically, Australia primarily welcomed migrants from white or Commonwealth country backgrounds. According to a recent study by Naghsh Nejad & Schurer (2022), prior to the implementation of a selective migration regime in 1974, nearly three-quarters of migrants originated from countries such as the United Kingdom, New Zealand, the United States, Italy, Germany, South Africa, and the Netherlands. Conversely, less than three percent of migrants came from countries like China, the Philippines, India, or Sri Lanka during that period.

In 1974, the Whitlam government began introducing components of a more selective immigration system without considering race or country of origin, attracting migrants with advanced education levels or occupations deemed to be in demand within the Australian labor market. This shift in policy led to a significant diversification of Australia's ethnic makeup.

As depicted in the accompanying figure from the aforementioned study, migrants who arrived after 1974 exhibited higher educational attainment levels compared to both native-born Australians and migrants who arrived before the implementation of the new regime. Additionally, despite having lower proficiency in English, these migrants performed equally well as, if not better than, native-born Australians and pre-1974 migrants in various labor market indicators.

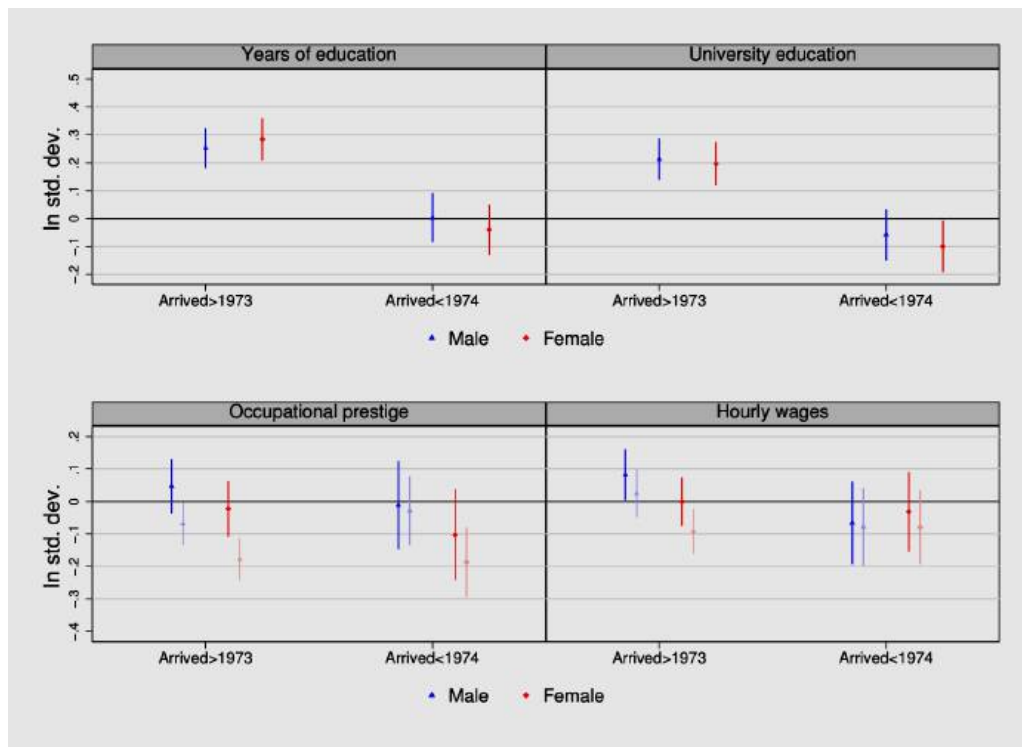


Figure 1- Education and labor market outcomes of immigrants to Australia. Source: Naghsh Nejad & Schurer (2022)

Furthermore, that same paper shows how migrants to Australia consistently score higher than natives on measures of non-cognitive skills due to the selection involved in the decision to migration: “Our findings demonstrate that concerns about the quality of migrants attracted to Australia are misguided and that in fact Australia’s migration policy leads to an exceptionally strong human capital portfolio from which economic prosperity may be expected.”<sup>2</sup>

**This bill not only undermines the vision of multicultural Australia championed by bipartisan support over five decades ago but also poses a significant threat to the country's economy and social fabric. By implementing place-based bans on migrants, the bill risks diminishing the wealth of talent and cultural diversity available to Australia through migrants from the affected countries. This not only deprives Australia of valuable contributions but also erodes the foundational principles of inclusivity and diversity that are integral to the nation's identity and prosperity.**

## Public Opinion

In our endeavor to gauge the sentiment within the Iranian community regarding the proposed Migration Amendment (Removal and Other Measures) Bill 2024, we meticulously designed and executed an online survey. This survey was conducted over a span of two days, reaching out to a broad cross-section of the Iranian community in Australia. The intent was to capture a diverse array of perspectives, ensuring a comprehensive understanding of the community's stance on the bill and its potential implications.

The methodology of the survey was rigorously developed to ensure both inclusivity and accuracy in the data collected. Participants were recruited through various channels, including community networks, social media platforms, and email newsletters, to achieve a representative sample. The survey comprised a series of carefully crafted questions designed to elicit detailed responses on individuals' views regarding the bill, their concerns, and the anticipated impact on their lives and the broader community.

The findings from this survey present a vivid snapshot of the prevailing concerns and sentiments among the Iranian community. Through a detailed analysis of the responses, several key themes emerged, highlighting widespread apprehension about the bill's potential to undermine rights, separate families, and disrupt lives. The analysis delves into the nuances of these concerns, offering insights into the specific aspects of the bill that elicit the most apprehension.

Based on these findings, our submission includes a set of tailored recommendations aimed at addressing the concerns raised by the community. These recommendations advocate for amendments to the bill that would mitigate its negative impacts, ensuring that legislation in this domain is both just and aligned with Australia's human rights obligations.

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<sup>2</sup> Sources:

<https://www.homeaffairs.gov.au/about-us/our-portfolios/multicultural-affairs/about-multicultural-affairs/our-statement>

<https://mckellinstitute.org.au/research/articles/why-australia-is-the-worlds-most-successful-multicultural-society/>

Maryam Naghsh Nejad, Stefanie Schurer, Cognitive and non-cognitive abilities of immigrants: New perspectives on migrant quality from a selective immigration country, Journal of Economic Behavior & Organization, Volume 203, 2022, Pages 107-124, ISSN 0167-2681, <https://doi.org/10.1016/j.jebo.2022.08.021>. ]

A full description of the survey, including its methodology, detailed findings, and the subsequent analysis, is appended to this submission. This comprehensive account provides a robust foundation for our recommendations, underscoring the importance of incorporating public opinion and community insights into the legislative process. Through this approach, we aim to contribute to a more informed and inclusive dialogue on immigration policy, one that respects and reflects the voices of those it impacts the most.

## Recommendations

In response to the concerns articulated herein, our submission puts forth the following detailed recommendations. These suggestions aim to address the key issues identified, ensuring that the proposed Migration Amendment (Removal and Other Measures) Bill 2024, if not withdrawn, is revised to uphold Australia's human rights commitments and reflect the genuine concerns of affected communities:

- 1. Ensure Legislative Alignment with International Human Rights Standards:** Amend the bill to ensure full compliance with international treaties to which Australia is a signatory, including the Refugee Convention, the ICCPR, and the CAT. This involves explicitly incorporating safeguards against refoulement and ensuring that the bill does not infringe upon the rights guaranteed under these international instruments.
- 2. Introduce Clear Criteria for Ministerial Decisions:** Specify transparent and objective criteria for the Minister's discretionary powers, particularly in designating "removal concern countries" and issuing removal orders. This recommendation aims to prevent arbitrary decision-making and ensure that such powers are exercised with accountability and subject to judicial review.
- 3. Enhance Procedural Fairness and Right to Appeal:** Strengthen the procedural safeguards for individuals subject to removal orders, including clear provisions for appealing decisions and accessing legal representation. This ensures that those impacted by the bill have a fair opportunity to present their case and challenge decisions that may adversely affect their lives.
- 4. Protect Vulnerable Populations:** Specifically address the needs and rights of vulnerable groups, including refugees, asylum seekers, and families, within the bill. This includes provisions to prevent family separation and ensure that the treatment of vulnerable individuals is consistent with Australia's humanitarian values.
- 5. Conduct Comprehensive Community Consultation:** Before finalizing any legislative changes, undertake a detailed consultation process with affected communities, legal experts, human rights organizations, and other stakeholders. This inclusive approach ensures that the bill reflects a wide range of perspectives and addresses the concerns of those most directly impacted.
- 6. Implement a Review Mechanism for the Bill's Impact:** Establish a formal mechanism to monitor and review the impact of the bill once implemented, focusing on its effects on human rights and community cohesion. This should include provisions for making adjustments to the legislation based on empirical evidence and feedback from affected communities.



7. **Offer Support Services for Affected Individuals:** Provide comprehensive support services, including legal aid and counseling, for individuals and families impacted by the bill. This recommendation recognizes the potential emotional and psychological toll of the bill's provisions and emphasizes the importance of offering support to those navigating its implications.
8. **Transparency in Designating 'Removal Concern Countries':** Ensure the process for designating countries as "removal concern countries" is transparent, with clear criteria and the opportunity for public input and review. This transparency is crucial for maintaining trust in the immigration system and ensuring that such designations are made based on reliable evidence and human rights considerations.

By implementing these recommendations, the proposed bill can be refined to better align with Australia's commitments to human rights and justice, while also addressing the legitimate concerns of the Iranian community and other affected groups. This approach emphasizes the need for a balanced and compassionate legislative framework that respects the rights and dignity of all individuals within Australia's jurisdiction.

## conclusion

This submission has rigorously examined the proposed Migration Amendment (Removal and Other Measures) Bill 2024, highlighting significant concerns about its alignment with Australia's international obligations and its potential to infringe upon the rights and dignities of individuals, particularly within the Iranian community and other vulnerable groups. Through a detailed analysis, including a comprehensive survey, we have underscored the profound apprehensions regarding the bill's broad discretionary powers, its deviation from established legal principles, and the adverse human impact it portends.

The moral imperative to oppose the bill in its current form is grounded in a commitment to upholding the principles of justice, equity, and compassion that are foundational to both Australian society and international human rights law. The recommendations provided herein aim not only to mitigate the bill's potential harms but also to guide legislative amendments towards a more just, transparent, and humane immigration framework. These include ensuring alignment with international human rights standards, enhancing procedural fairness, protecting vulnerable populations, and engaging in comprehensive community consultation.

As Australia stands on the precipice of enacting legislation that could significantly alter the landscape of asylum and immigration policy, it is crucial that lawmakers reconsider the proposed bill's implications. The call to revise the bill reflects a broader appeal for policies that recognize the intrinsic value of every individual, irrespective of their nationality or immigration status, and that embody the collective aspirations for a society marked by dignity, respect, and mutual understanding.

By embracing the recommendations outlined, and by anchoring future legislation in the principles of human rights and compassionate governance, Australia can reaffirm its commitment to being a nation that welcomes, protects, and fosters the well-being of all its members, including those who seek refuge within its borders. It is our collective responsibility to ensure that the laws and policies governing our society do not merely reflect the letter of international commitments but, more importantly, the spirit of inclusivity and protection that defines us as a global community committed to upholding the rights and dignity of all people.

## Acknowledgement

In the creation of this submission, we extend our deepest gratitude to a constellation of individuals and organizations whose expertise, insights, and unwavering support have been instrumental. Special thanks are owed to the Aknoon Cultural Center and Arta Cultural Center for their vital contributions and for fostering a community of engagement and dialogue. Our heartfelt appreciation extends to the Australian Iranian Society of Victoria (AISO) for their indispensable role in providing counseling services to the community. Their generosity in sharing the essence and insights gleaned from these sessions has enriched our understanding and deepened the context of our advocacy.

We are profoundly grateful to Maryam Naghsh Nejad, PhD, for her invaluable research and analysis, and to Payman Firouzi Naeim, Research Fellow at the University of Technology Sydney, whose scholarly work has significantly enriched our understanding of the issues at hand. Our appreciation also extends to Lo-Shu Wen, Policy expert for his research which has greatly informed our perspectives.

Guided by a deep commitment to justice and compassion, this submission was authored by Nader Zoljalali, a member of the Board of Directors at the Australian Iranian Community Alliance Incorporated.

The essence and strength of this submission are derived from the collective insights and contributions of the community. This collaborative spirit underscores the document's aim to influence a more just and empathetic legislative landscape in Australia, reflective of the values and aspirations of those it seeks to protect and empower.

# APPENDIX

# Voices Unheard: The Impact of Proposed Immigration Legislation on the Iranian Community in Australia

Analysis<sup>1</sup> and Submission

Conducted on April 7th and 8th, 2024

## Abstract:

This survey highlights the profound impact of the proposed immigration bill on the Iranian community in Australia, particularly concerning the potential blacklisting of Iran. Key findings reveal 82% of respondents experience heightened stress and anxiety, affecting their mental health. Additionally, 75% anticipate disruptions to work and study efficiency, with 85% concerned about the bill influencing major life decisions. The survey underscores urgent calls for the bill's reconsideration, emphasizing the need for amendments to mitigate adverse effects on community well-being and maintain Australia's commitment to a diverse and inclusive society.

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<sup>1</sup> **Disclaimer:** This survey was conducted at the request of Aknoon Cultural Center in response to The Migration Amendment (Removal and Other Measures) Bill 2024. Due to the urgent nature of the bill's implications, the survey was conducted over a short period of two days. The findings presented in this document are based on responses collected during this timeframe and are ongoing. Final results are yet to be compiled, and the data should be considered preliminary.

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## Executive Summary

This submission presents a comprehensive analysis based on a survey conducted among the Iranian community in Australia, revealing profound concerns regarding the proposed immigration bill and the possibility of Iran being blacklisted. With 70,899 Iranian-born individuals living in Australia, not to mention their children and the broader community of Iranian descent, the implications of this legislation extend far beyond the immediate respondents, potentially affecting tens of thousands. The survey's findings highlight significant anxieties surrounding mental health, employment, education, family life, and community cohesion.

### Key Findings:

- **Mental Health and Well-being:** An overwhelming 82% of respondents reported moderate to extreme levels of stress and anxiety due to the bill, highlighting a significant deterioration in mental health across the community, largely driven by the fear of family separation and the instability of their future in Australia.
- **Work and Study Efficiency:** The survey revealed that concerns regarding the bill have already compromised the concentration and productivity of 75% of respondents, affecting their professional and academic pursuits and casting doubt on their future career and educational trajectories.
- **Family Life and Major Decisions:** The potential blacklisting under the bill would influence major life decisions for 85% of the participants, including career paths, family planning, and financial investments, indicating widespread apprehension about establishing long-term plans in Australia.
- **Community Cohesion:** A notable 75% of respondents expressed fears that the bill would erode their sense of belonging and community cohesion, with anticipated increases in discrimination and isolation further exacerbating these concerns.

Given the scale of the Iranian community in Australia, including the second generation born here, these findings demand urgent attention. The potential for widespread disruption and distress within this community calls for a critical reconsideration of the bill's terms, especially the blacklisting mechanism.

### Recommendations:

1. **Reconsideration of the Bill's Terms:** We urge a critical review and reconsideration of the bill's terms, especially the blacklisting mechanism, as 58% of survey participants are Australian citizens who feel deeply integrated into the societal fabric yet threatened by the bill.
2. **Specific Amendments for Protection:** It is recommended that the bill include provisions to:
  - Protect against discrimination, as highlighted by concerns from 82% of respondents about increased stress and anxiety.
  - Facilitate family reunification, reflecting the anxieties of over 75% of participants worried about major life decisions.

- Ensure the professional and academic opportunities of those affected, supporting the 75% who reported a negative impact on work and study efficiency.
3. **Further Community Consultations:** Given the critical insights provided by the survey, additional in-depth consultations with impacted communities are essential to refine the bill and align it more closely with Australia's multicultural ethos.

### **Conclusion:**

The detailed feedback from the Iranian community in Australia, supported by quantitative data, presents a compelling case for the reconsideration of the proposed immigration bill. By addressing the community's concerns through targeted amendments and further consultations, policymakers can better balance national security objectives with the need to protect the rights and well-being of all residents. This approach will not only reinforce Australia's commitment to fairness and inclusivity but also ensure the continued contribution of a vibrant multicultural community to the nation's social and economic life.

## • Introduction

In the wake of the proposed immigration legislation and its potential to fundamentally alter the landscape of immigration in Australia, a comprehensive survey was conducted to gauge the sentiments and concerns of the Iranian community residing in Australia. This submission is informed by the responses of 60 individuals, encapsulating a diverse cross-section of this community in terms of age, gender, employment status, length of residency, and citizenship status. The demographic breakdown reveals a majority of respondents are Australian citizens (34 out of 60), with significant representation from permanent residents (14 out of 60) and other residency statuses, highlighting the survey's inclusivity of varied perspectives within the Iranian diaspora.

The proposed bill, which has stirred considerable apprehension among Iranians in Australia, seeks to introduce measures that could lead to the 'blacklisting' of Iran. This move, unprecedented in its scope and potential impact, has raised alarms about its implications for family reunification, professional opportunities, and the broader socio-cultural integration of Iranian citizens and residents. The bill's mechanisms, aimed ostensibly at strengthening national security and immigration integrity, could inadvertently penalize law-abiding communities, sever familial ties, and engender a climate of uncertainty and fear among those who have sought refuge and a new beginning in Australia.

At the heart of the concern is the potential for this legislation to disrupt the lives of Iranian Australians by complicating or outright preventing the visitation and immigration of family members from Iran. The prospect of such blacklisting has implications far beyond the bureaucratic and legalistic—it strikes at the core of community bonds, mental health, and the foundational sense of belonging that is essential for the flourishing of any immigrant group within the multicultural tapestry of Australian society.

The survey's findings, drawn from a cohort that spans a wide age range (20 to 71 years) and includes a significant portion of individuals who have lived in Australia for over a decade, underscore the depth of integration and contribution of the Iranian community to the fabric of the nation. Respondents include full-time employees, self-employed individuals, students, and those at various other stages of their professional and personal journeys in Australia. Their insights offer a window into the collective psyche of a community facing the spectre of legislation that could alter their status, futures, and families.

This introduction sets the stage for a detailed examination of the survey results, which reveal profound concerns about the proposed bill's ramifications. The following sections will delve into the specific impacts as articulated by the survey participants, illuminating the human stories behind the statistics and underscoring the urgent need for legislative reconsideration and compassion in policy formulation.

## • Survey Findings Summary

The survey conducted among the Iranian community in Australia sought to capture the nuanced impact of the proposed immigration bill, drawing responses from 60 individuals



deeply concerned about the implications of Iran's potential 'blacklisting'. The findings reveal a community on the brink of significant upheaval, grappling with the bill's effects on their mental well-being, sense of security, and the fundamental aspects of living in Australia.

### **Quantitative Responses to Structured Questions:**

**Mental Health and Emotional Well-being:** A staggering majority of respondents indicated that the bill, even in its proposal stage, has already begun to sow seeds of distress within the community. Approximately 82% reported experiencing moderate to extreme levels of stress, anxiety, and emotional distress, attributing this directly to the uncertainty and potential consequences of the legislation. This indicates not just a fleeting concern but a profound, pervasive sense of unease permeating through the community, touching individuals of all ages and walks of life.

**Sense of Security and Belonging:** When asked about their sense of security and belonging in Australia, should the bill come into effect and Iran be blacklisted, 75% of respondents voiced that their feelings of belonging and safety would be extremely affected. This response underscores the depth of connection Iranian Australians and residents feel towards their adopted homeland and the threat the bill poses to this foundational aspect of their lives in Australia.

**Impact on Professional and Academic Productivity:** The potential implications of the bill on respondents' ability to work or study efficiently were stark, with a significant majority expressing concern that their professional and academic endeavors would be hindered. This was not an abstract fear but one grounded in current realities—distractions due to stress, decreased motivation, and a pervasive sense of uncertainty were cited as immediate impacts on productivity and focus.

**Influence on Major Life Decisions:** Reflecting on the bill's potential to influence major life decisions, such as buying a house, starting a business, or family planning, an overwhelming 85% anticipated their long-term plans in Australia would be adversely affected. This anticipation of disruption speaks volumes about the perceived severity of the bill's impact, touching on the most intimate and significant aspects of life.

### **Responses to Open-Ended Questions:**

The open-ended questions provided a platform for respondents to voice their concerns in their own words, offering a poignant glimpse into the personal stories and fears underpinning the quantitative data. These narratives paint a vivid picture of a community under strain, wrestling with the prospect of a future where family separations become the norm, professional aspirations are curtailed, and the sense of belonging is eroded.

**Personal and Professional Toll:** Respondents shared heartfelt accounts of how the looming legislation has cast a shadow over their daily lives. "The thought that I may not be able to see my parents at my home makes me anxious," shared one participant, encapsulating the profound personal impact of potential family separation. Another noted, "This could disrupt my employment status, affecting my job stability, career progression, and overall productivity," highlighting the professional ramifications intertwined with the emotional toll.

**The Weight of Uncertainty:** A recurring theme was the debilitating uncertainty the bill introduces, with many respondents articulating how this uncertainty impairs their ability to plan for the future, concentrate on their work, or invest in their communities. "Yes, it will adversely affect the sense of belonging to my workplace and reduces my efficiency," one respondent remarked, while another lamented the challenge of maintaining focus and motivation amid fears of discrimination and isolation.

**Fear of Discrimination:** The potential for increased discrimination emerged as a significant concern, with respondents fearing that the bill's passage would not only formalize but exacerbate the biases they face. "Yes, I am considered as a potential terrorist," one individual stated starkly, underscoring the chilling effect such perceptions have on their sense of safety and inclusion.

**Family and Future:** Beyond immediate anxieties, the survey responses touched on the deep-seated fears for the future, especially regarding family connections. "I'm a cancer survivor and I need my parents' visit to support my kids," shared a respondent, illustrating the vital role family support plays in their resilience and recovery. The prospect of being cut off from this support network brings into sharp relief the human cost of the proposed bill.

## • **Detailed Analysis: Impact on Mental Health and Well-being**

The proposed immigration bill, particularly its implications for the Iranian community in Australia, has raised significant concerns regarding its impact on mental health and overall well-being. Drawing from the survey conducted, both quantitative data and open-ended responses paint a troubling picture of increased stress, anxiety, and the psychological toll of potential family separation.

### **Quantitative Overview**

The survey revealed that a significant majority of respondents are grappling with heightened levels of stress and anxiety due to the bill. Approximately 82% of participants reported experiencing moderate to extreme emotional distress, underlining the pervasive sense of unease permeating the community. This statistical evidence underscores not just transient worries but deep-rooted fears about the future, directly attributable to the proposed legislation.

### **Themes from Open-Ended Responses**

#### **Anxiety and Stress**

Respondents vividly describe the immediate and palpable impact of the bill on their daily lives. Many articulate a constant state of anxiety, with one respondent noting, "The thought that I may not be able to see my parents at my home makes me anxious," highlighting the personal stakes involved. Another shares, "Cannot sleep and that affects all my daily activities," illustrating how anxiety translates into tangible disruptions of daily routines and well-being.

#### **Psychological Toll of Potential Family Separation**

The prospect of family separation emerges as a particularly harrowing aspect, with respondents detailing the emotional and psychological ramifications. "Yes, I'm a cancer survivor and I need my parents' visit to support my kids," one participant shares, emphasizing the critical role of family support in times of health crises. The potential for such support to be curtailed or eliminated altogether by the bill casts a long shadow over respondents' psychological resilience.

### **Impact on Sense of Security**

The survey responses also reveal a profound impact on individuals' sense of security and belonging. The potential blacklisting of Iran is seen not merely as a policy change but as a direct threat to the foundational sense of safety that supports mental well-being. "Yes, it will adversely affect the sense of belonging to my workplace and reduces my efficiency," states a respondent, linking psychological security directly with professional productivity and integration into the broader community.

### **Personal Narratives**

The open-ended responses provide a platform for personal narratives that bring the statistical data to life. These stories offer a window into the lived experiences of individuals facing the bill's looming impact, from young professionals concerned about their career trajectories to students and families navigating the complexities of immigration status and community integration.

One narrative describes the struggle to maintain professional focus amidst uncertainty: "This could disrupt my employment status, potentially affecting my job stability, career progression, and overall productivity." Another respondent recounts the chilling effect of being perceived as a "potential terrorist," underscoring the bill's potential to exacerbate feelings of alienation and discrimination.

### **Conclusion**

The detailed analysis of the impact on mental health and well-being reveals a community in distress, facing not only the practical implications of the proposed bill but also the profound emotional and psychological consequences. The fear of family separation, coupled with increased stress and anxiety, poses significant risks to the mental health of Iranian Australians and residents, urging a reevaluation of the bill's approach to immigration policy.

## **• Effect on Work and Study Efficiency**

The proposed immigration bill has ignited a wave of concern among the Iranian community in Australia, particularly regarding its potential to disrupt professional and academic pursuits. Responses from our survey reveal not just apprehensions about future prospects but also immediate challenges being faced by individuals in their workplaces and study environments. This section delves into real examples provided by respondents and examines the broader implications for professional and academic productivity within the community.

### **Real Examples from Respondents**

Respondents have articulated clear instances where the stress and anxiety induced by the bill have begun to erode their work and study efficiency. One individual states, "It has reduced my focus on my job," pointing to a direct link between the emotional toll of the bill and decreased professional productivity. Another respondent, a student, shares, "This news affects my ability to concentrate on my work and study. I can't even sleep well, spending all night overthinking what's going to happen to our future." Here, the intersection of academic performance and mental well-being is starkly highlighted, with sleep disturbances further exacerbating the challenge.

For those on temporary visas or in the process of seeking asylum, the stakes are even higher. "As a PhD student, I will be in Australia for at least 4 years, and thinking that it can act as a large prison for me and my family where there is no way in or out highly affects my mental health," one respondent notes, capturing the profound sense of entrapment and its psychological repercussions.

### **Broader Implications for Productivity**

The individual accounts reflect a broader trend of diminished work and study efficiency across the community, raising concerns about the long-term implications for professional development and academic success. The cumulative effect of widespread anxiety and stress can lead to a decrease in overall community productivity, potentially stalling career progression for professionals and jeopardizing academic outcomes for students.

Furthermore, the bill's potential to affect visa statuses and family reunification processes introduces a layer of uncertainty that can distract individuals from their professional and academic goals. This uncertainty, coupled with the fear of increased discrimination, may also create an environment where Iranian Australians feel less welcomed and valued, further diminishing their motivation and engagement.

### **Conclusion**

The anticipated and already-felt impacts of the proposed immigration bill on work and study efficiency highlight a critical area of concern. The personal stories and experiences shared by the survey respondents underscore the need for legislative consideration that accounts for the well-being of individuals as they navigate their professional and academic journeys.

This submission urges policymakers to reconsider the bill's approach, advocating for measures that support rather than undermine the productivity and aspirations of the Iranian community in Australia. By fostering an environment that recognizes and addresses the unique challenges faced by immigrants and their families, Australia can ensure that its policies do not inadvertently hinder the professional and academic contributions of an integral part of its multicultural society.

## **• Influence on Long-term Decisions and Family Life**

The specter of the proposed immigration bill, particularly with the looming possibility of Iran being added to Australia's immigration 'blacklist', casts a long shadow over the Iranian community's future in Australia. This section explores the profound anxieties surrounding major life decisions — career paths, family planning, and significant financial investments —

through the lens of the community's response to the bill. It delves into personal narratives that bring to the forefront the indispensable role of family support and the visceral fear of its potential disruption.

### **Impact on Major Life Decisions**

Survey respondents have expressed considerable concern about how the bill's enactment could recalibrate their long-term planning. For many, the uncertainty generated by the bill has already begun to influence decisions about buying homes, pursuing certain career paths, and even the prospect of starting or expanding families within Australia. "This scenario has made us reconsider our decision to buy our first home here," shared one respondent, highlighting the immediate financial implications and the hesitancy to invest in what might suddenly become a less secure future.

Career considerations are similarly affected, with respondents noting a reluctance to commit to long-term professional roles or entrepreneurial ventures amidst the bill's uncertainty. "I'm questioning whether to start my business now or wait to see how things unfold," another respondent commented, pointing to the chilling effect on economic contributions and personal career growth within the community.

### **Family Planning and Support**

The potential for family separation or the inability to have family visit Australia stands out as a particularly poignant concern among respondents. The bill threatens not just the practical aspect of family reunification but strikes at the very heart of cultural and emotional support systems that are vital for the well-being of immigrants far from their countries of origin.

One narrative poignantly captures this anxiety: "As someone planning to start a family, the thought that our children might never meet their grandparents if this bill passes keeps us up at night." This statement, echoed in various forms throughout the survey responses, underscores the bill's potential to sever the deep emotional bonds that tie individuals to their heritage and familial support networks.

### **Financial Investments and Community Contributions**

Significant financial investments, including home ownership and business ventures, are key indicators of an immigrant community's integration and contribution to their new country. The survey responses suggest a hesitancy to make such investments, fueled by the bill's implications. This reticence extends beyond personal financial planning to encompass broader concerns about the community's economic impact and its ability to thrive and contribute to Australian society.

"The fear that I might have to relocate due to visa issues has put our plans to purchase a home on hold," details a respondent, highlighting the direct link between policy-induced uncertainty and tangible economic decisions.

### **Conclusion**

The anticipated effects of the proposed immigration bill on the Iranian community in Australia extend far beyond the immediate legal ramifications to deeply influence major life decisions and family life. The narratives shared by survey respondents illustrate a community grappling with the potential for profound loss — of family support, economic stability, and future planning certainty.

In light of these findings, this submission calls for a careful reconsideration of the bill, urging policymakers to account for the far-reaching consequences of legislation on the lives of individuals and communities. It advocates for a legislative framework that supports the aspirations, contributions, and family integrity of all residents, ensuring that Australia remains a place of opportunity, security, and inclusion for everyone.

## • **Concerns Over Community Integration and Belonging**

### **Erosion of Community Cohesion and Sense of Belonging**

The prospect of the proposed immigration bill has sent ripples of concern throughout the Iranian community in Australia, touching on deep-seated fears of marginalization and exclusion. Respondents to the survey vividly describe how the potential blacklisting of Iran under the new legislation has cast a long shadow over their sense of security and belonging within the Australian social fabric. A prevailing theme is the fear that such legislative measures, ostensibly aimed at securing national borders, inadvertently convey a message of unwelcome, significantly impacting community cohesion.

One respondent encapsulates this sentiment, stating, "The thought of being officially categorized based on my nationality has made me feel like an outsider in a community I considered my own." This statement reflects a broader apprehension that the bill could institutionalize a division between Iranian Australians and the wider community, undermining years, if not decades, of integration efforts and mutual cultural enrichment.

### **Anticipated Increase in Discrimination and Isolation**

Survey participants express acute awareness of the potential for increased discrimination and isolation should the bill pass. Many fear that the blacklisting of Iran would not only affect their legal status but also exacerbate social stigmas, leading to heightened scrutiny and alienation in their daily lives. "Yes, I am considered as a potential terrorist," reveals one respondent, highlighting the distressing labels that individuals fear will become more common as a direct consequence of the legislation.

The anxiety extends beyond personal experiences of discrimination to concerns about the broader community's perception and treatment of Iranian Australians. Respondents report a palpable sense of unease about the future, worrying that the bill's implications could deter them from fully participating in community life, pursuing career opportunities, or simply engaging in social activities without the burden of suspicion or prejudice. "It's very difficult to concentrate on what I'm doing on a daily basis," shared another participant, indicating how the anticipation of discrimination infiltrates and disrupts everyday life.

## **Impact on Younger Generations and Future Integration**

Particularly poignant are the concerns regarding younger generations of Iranian Australians and their experiences of belonging and identity in the wake of the bill. Parents worry about the message that the legislation sends to their children, many of whom have known no other home than Australia. The potential blacklisting of Iran raises fears that these young individuals will grow up feeling alienated from the broader Australian community, questioning their place in a society that seems to view their heritage as a liability.

## **Calls for Inclusive Dialogue and Policy Reconsideration**

In light of these concerns, respondents advocate for a more inclusive dialogue around immigration policy and a reconsideration of the bill's approach to national security and community relations. Many emphasize the need for policies that foster understanding and respect for diversity, rather than exacerbating divisions based on nationality or heritage. "Community integration and a sense of belonging are crucial for a cohesive society," one respondent notes, urging policymakers to consider the long-term social consequences of the proposed legislation.

## **Conclusion**

The survey findings reveal deep concerns among Iranian Australians and residents about the impact of the proposed immigration bill on their sense of community integration and belonging. The potential for increased discrimination and isolation, coupled with the erosion of community cohesion, underscores the need for a legislative approach that upholds the values of inclusivity and respect for diversity. As Australia prides itself on being a multicultural society, it is imperative that its policies reflect a commitment to nurturing a sense of belonging among all its residents, fostering an environment where diversity is celebrated, and every individual feels valued and welcomed.

## **• Demographic Insights**

### **Overview of the Demographic Data**

The survey garnered responses from a broad cross-section of the Iranian community in Australia, capturing a wide range of ages, genders, employment statuses, lengths of residency, and citizenship statuses. This diversity provides a rich foundation for understanding the community's concerns and aspirations in the face of the proposed legislation.

- **Age:** Respondents ranged from young adults to seniors, with significant participation from those in their mid-30s to mid-40s, suggesting a mature perspective on the potential impacts of the bill.
- **Gender:** The majority of respondents identified as female, providing valuable insights into the specific concerns and challenges faced by women in the context of the bill.
- **Employment Status:** A significant portion of respondents were employed full-time, with others representing part-time employment, self-employment, student status, and unemployment, reflecting a wide range of professional and academic experiences.

- **Length of Residency:** Responses came from individuals who have lived in Australia for less than a year to those with over a decade of residency, offering perspectives that span the spectrum of integration and settlement experiences.
- **Citizenship Status:** The survey included Australian citizens, permanent residents, temporary visa holders, and those seeking asylum, highlighting varied legal relationships with the Australian state.

## **Analysis of Community Segments**

### **Age and Its Impact**

The concerns expressed by different age groups reflect varying priorities and life stages. Younger respondents, particularly students, voiced anxiety about their future prospects in Australia, including career opportunities and educational achievements. In contrast, older respondents, many of whom have families, were more concerned about the bill's impact on family reunification and the ability to provide support and security for their loved ones.

### **Gender Perspectives**

Female respondents, who formed the majority of the survey participants, often highlighted the emotional and psychological toll of the bill, especially regarding family separation and community support systems. Their responses underscore the critical role of familial networks in maintaining mental health and well-being, suggesting that women may bear a disproportionate burden of the stress associated with potential changes to immigration policy.

### **Employment Status and Concerns**

Full-time employees and self-employed individuals expressed concern about the bill's potential to affect their professional stability and growth opportunities. Meanwhile, students worried about their educational trajectories and the prospect of remaining in Australia post-graduation. Unemployed respondents and those preferring not to disclose their employment status highlighted broader anxieties about belonging and the future of their community in Australia.

### **Length of Residency and Integration**

Respondents who have lived in Australia for longer periods, especially those with more than a decade of residency, expressed deep concerns about their established lives and contributions to Australian society being undermined by the bill. Newer arrivals were more focused on the immediate challenges of securing their status and navigating an increasingly uncertain immigration landscape.

### **Citizenship Status and Legal Implications**

Australian citizens of Iranian descent expressed solidarity with non-citizen community members, emphasizing the bill's potential to fragment their community and erode the multicultural fabric of Australian society. Permanent residents and temporary visa holders shared acute concerns about their future in Australia, with the bill casting a long shadow over their ability to plan, settle, and contribute to their adopted country.



## **Conclusion**

The demographic insights gleaned from the survey responses reveal a community united in its concern over the proposed immigration bill, yet differentiated by the unique perspectives and challenges of its diverse members.

The survey's revelations, reflecting the anxieties and challenges faced by respondents within the Iranian community in Australia, gain even more significance when considered against the backdrop of the 70,899 (Census data 2021) Iranian-born individuals residing in the country. This figure, while substantial, doesn't account for the second generation—children of Iranian descent born in Australia—who are also deeply impacted by the proposed immigration bill's implications. These findings highlight not just individual concerns but a widespread issue affecting tens of thousands within the community. The potential blacklisting of Iran under the new bill, therefore, stands to disrupt the lives and well-being of a significant and vibrant part of Australia's multicultural tapestry, underscoring the urgent need for a careful reevaluation of the legislation.

This analysis underscores the need for immigration policy that is nuanced, compassionate, and responsive to the needs of all residents, regardless of their age, gender, employment status, length of residency, or citizenship status. As Australia navigates the complexities of immigration reform, it must do so with an eye toward preserving the integrity and vibrancy of its multicultural society, ensuring that all members feel valued, secure, and able to contribute to the nation's future.

## **• Recommendations**

### **Urgent Reconsideration of the Bill's Terms**

The survey responses indicate widespread anxiety about the bill's potential consequences, with particular emphasis on the blacklisting mechanism. This aspect of the legislation poses a direct threat to the Iranian community's ability to maintain familial connections, pursue professional opportunities, and feel secure within Australia.

**Recommendation:** It is recommended that parliament urgently reconsider the terms of the bill, with a focus on revising or removing the blacklisting mechanism. This revision should aim to balance national security concerns with the fundamental rights of individuals to family reunification and the pursuit of a stable, productive life in Australia. Lawmakers should ensure that any security measures do not unfairly penalize entire communities based on nationality or heritage.

### **Proposals for Specific Amendments or Additional Measures**

To address the concerns highlighted by the survey, specific amendments and additional measures are necessary to safeguard the interests and rights of the affected communities.

**Recommendation:**

1. **Legal Protections:** Introduce legal protections that explicitly prevent discrimination based on nationality, ensuring that individuals from blacklisted countries are not unduly burdened or isolated by the legislation.
2. **Family Reunification:** Amend the bill to include provisions that facilitate family reunification, recognizing the critical importance of familial support and the undue stress caused by prolonged separations.
3. **Professional and Academic Opportunities:** Incorporate measures that protect the professional and academic opportunities for individuals from affected communities, ensuring they can continue to contribute to Australia's socio-economic fabric without fear of unjust impediments.
4. **Mental Health Support:** Establish and fund mental health support programs specifically designed for communities impacted by the bill, acknowledging the significant psychological toll and offering resources to help individuals cope with the stress and uncertainty.

### **Further Consultations with Impacted Communities**

The survey has provided valuable insights into the community's perspective, but it is essential to continue the dialogue to fully understand the nuances of the bill's impact and gather more detailed recommendations.

**Recommendation:** Conduct further consultations with the Iranian community and other potentially impacted groups to gather in-depth insights and recommendations. These consultations should be structured to provide a safe and open forum for individuals to share their experiences, fears, and suggestions for how the legislation can be improved to minimize harm and maximize the benefits of Australia's multicultural society.

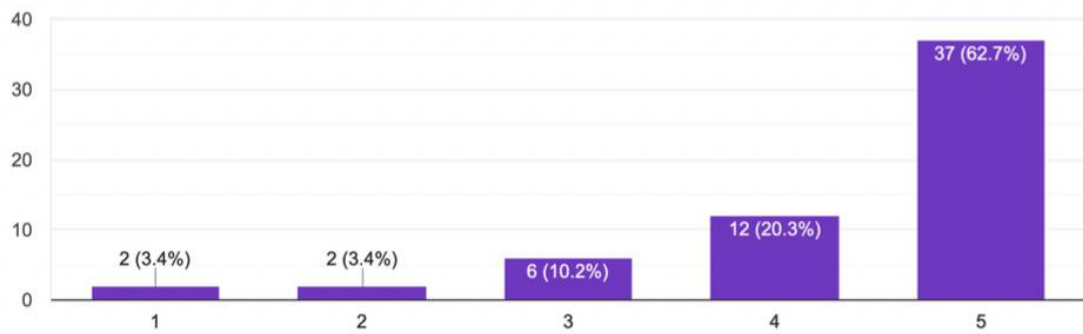
### **Conclusion**

The recommendations outlined here are grounded in the voices and experiences of the Iranian community in Australia, reflecting genuine concerns about the proposed immigration bill's impact on their lives. By taking these steps, policymakers have an opportunity to demonstrate a commitment to humane and fair immigration policies that recognize the value of diversity, uphold the dignity of all individuals, and contribute to a cohesive, vibrant Australian society.

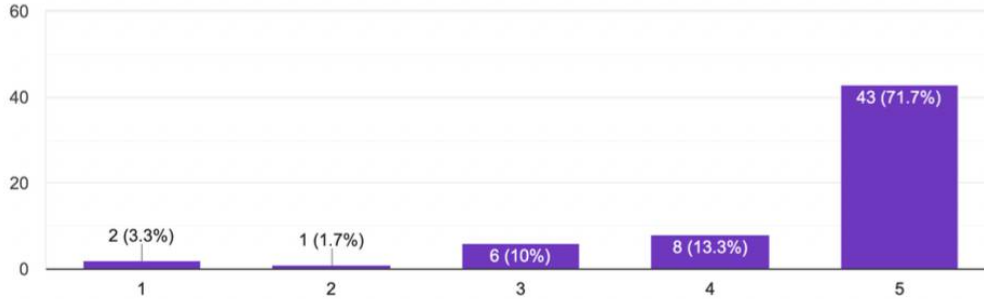
These suggestions represent a path forward that respects the complexities of national security, immigration policy, and human rights, aiming to foster an environment where every individual can thrive without fear of discrimination or unjust separation from their loved ones.

- **Appendix: Raw Data Results**

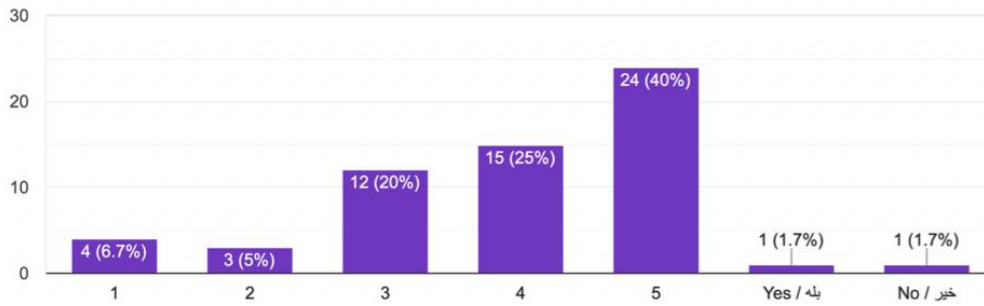
Since learning about the proposed bill, to what extent have you experienced any of the following:  
increased anxiety, stress, depression, or other emotion... اضطراب، استرس، افسردگی یا سایر مشکلات عاطفی داشته‌اید؟  
59 responses



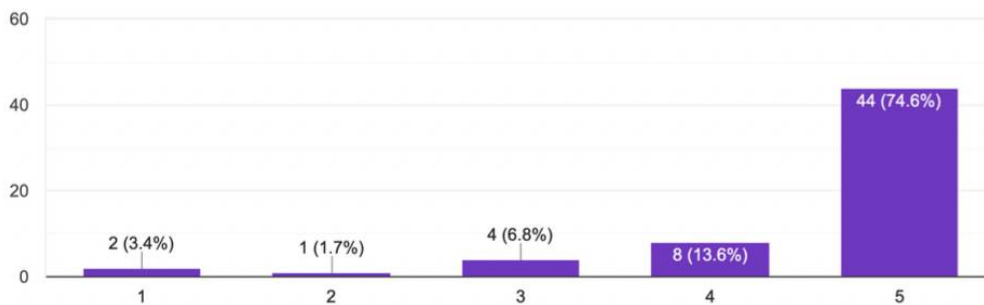
How has the possibility of Iran being 'blacklisted' under the new bill affected your sense of security and belonging in Australia?  
امکان قرار گرفتن ایران در 'لیست...ید چگونه بر حس امنیت و تعلق شما در استرالیا تاثیر گذاشته است؟  
60 responses



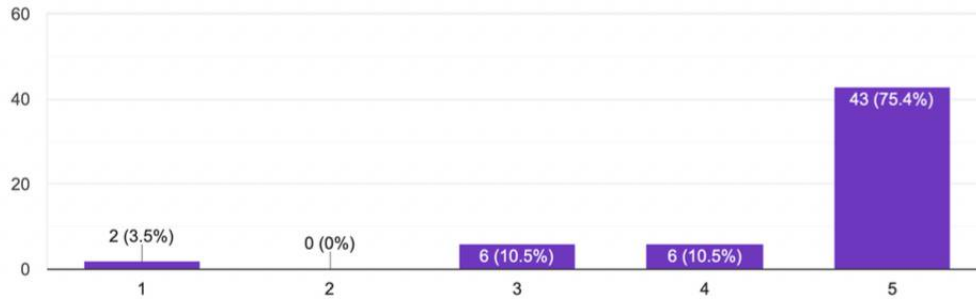
Have you faced challenges in sleeping or concentrating due to concerns about the bill's impact on your ability to host or be visited by family?  
آیا به دلیل نگرانی...یا دیدار خانواده)، با چالش‌هایی در خواب یا تمرکز مواجه شده‌اید؟  
60 responses



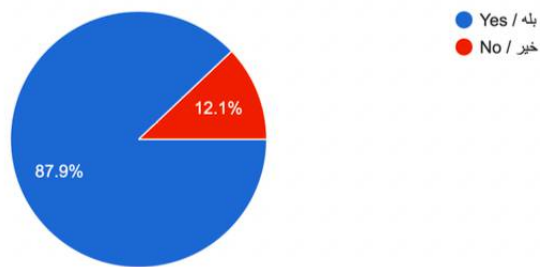
To what extent do you feel this scenario impacts your mental well-being and family life?  
تا چه اندازه احساس می‌کنید زندگی در این شرایط (قرار گرفتن ایران در لیست سیاه) بر سلامت روانی و زندگی خانوادگی شما تاثیر می‌گذارد؟  
59 responses



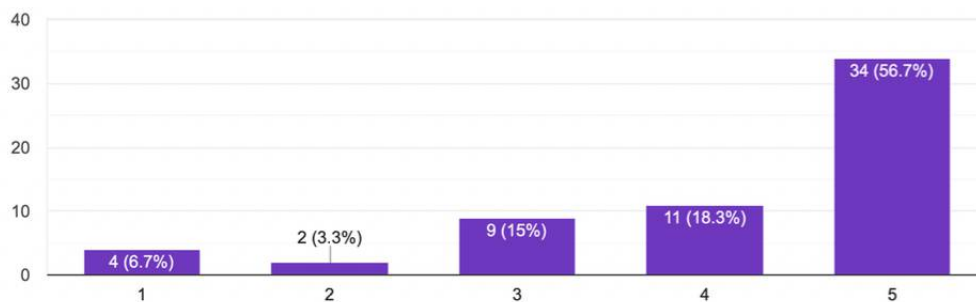
Under this scenario, how do you think it will affect your sense of security and belonging in Australia?  
زیستن در چنین شرایطی (قرار گرفتن ایران در لیست سیاه) ... اندازه بر احساس امنیت و تعلق شما در استرالیا تاثیر گذار است؟  
57 responses



Do you believe this scenario will influence your long-term decisions in Australia (e.g., career choices, family planning)?  
آیا باور دارید که زیستن در چنین شرایطی (قرار ... الیا (مانند انتخاب شغل، برنامه‌ریزی خانواده) تاثیر خواهد گذاشت؟  
58 responses

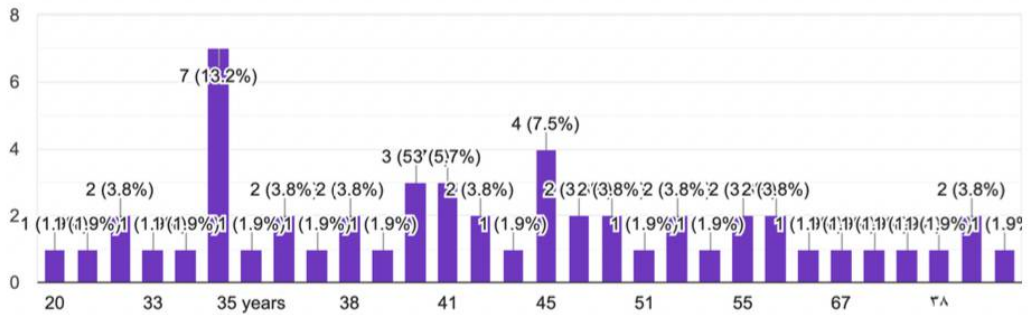


Will this scenario and its implications on family support affect your considerations regarding major life events in Australia (e.g., buying a house, starting a...  
تاثیر خواهد گذاشت؟ (خرید خانه، شروع کسب‌وکار، داشتن فرزند a...  
60 responses



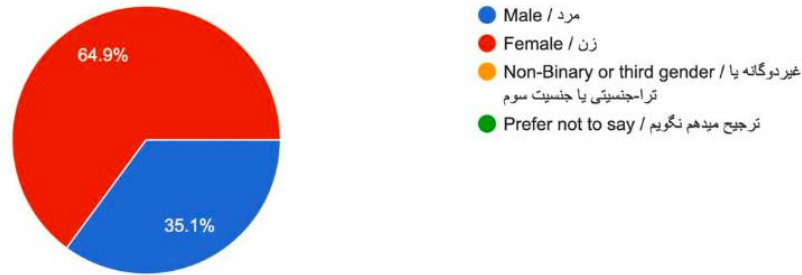
What is your age? سن شما چقدر است

53 responses



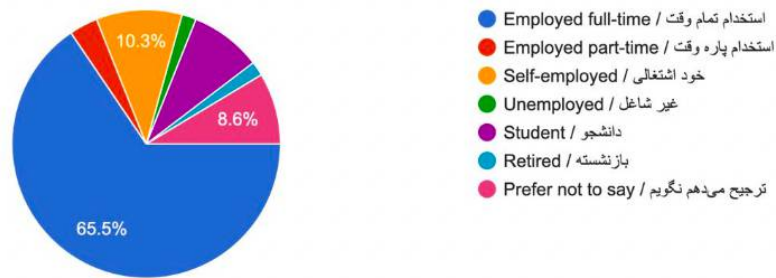
What is your gender? جنسیت شما چیست؟

57 responses



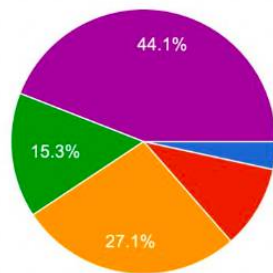
What is your employment status? وضعیت اشتغال شما چیست؟

58 responses



چه مدت است که در استرالیا زندگی می‌کنید؟ How long have you been living in Australia?

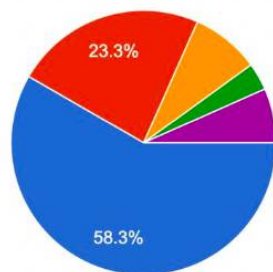
59 responses



- Less than 1 year / کمتر از 1 سال
- 1-3 years / از 1 تا 3 سال
- 4-6 years / از چهار تا شش سال
- 7-10 years / از 7 تا 10 سال
- More than 10 years / بیش از 10 سال

وضعیت شهروندی فعلی شما در استرالیا چیست؟ What is your current citizenship status in Australia?

60 responses



- Australian Citizen / شهروند استرالیایی
- Permanent Resident / دارای اقامت دائم
- Temporary Visa Holder / دارنده ویزای موقت
- Seeking Asylum / در حال جستجوی پناهندگی
- Prefer not to say / ترجیح می‌دهم نگویم