



Federation of Ethnic Communities Councils of Australia

Submission to the Inquiry into the Migration Amendment (Removal and Other Measures) Bill 2024

12 April 2024



FECCA pays its respects to Aboriginal and Torres Strait Islander Elders past and present and recognise the land we live and work upon was never ceded. FECCA proudly supports the Uluru Statement from the Heart and its call for the establishment of a First Nations Voice protected by the Constitution.

FECCA acknowledges that our work on behalf of multicultural Australia has learnt from and been enriched by First Nations peoples and organisations. We are committed to continuing to listen, learn and support First Nations peoples in the journey to a more inclusive society.

Who we are

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the national peak body representing people from multicultural communities and their organisations across Australia. Through our membership of state, territory, and regional councils, we represent over 1,500 community organisations and their members.

What we do

For over 40 years, FECCA has proudly worked alongside culturally and linguistically diverse communities, the broader Australian society and government to build a successful, productive and inclusive multicultural Australia where everyone, no matter their background or how long they have lived in this country, has the opportunity to belong and reach their full potential.

FECCA draws on the lived experiences of the people and their descendants who have migrated to Australia and the expertise of its extensive and diverse membership to develop and promote inclusive, innovative and responsible public policy that reflects the needs and perspectives of multicultural Australia. We are committed to building a strong, innovative and inclusive nation that harnesses its greatest strength, the diversity of its people.

Foreword

FECCA welcomes the opportunity to contribute to the inquiry of the Senate Legal and Constitutional Affairs Legislation Committee. Migration that meets the needs of the nation, migrants and our international obligations is fundamental to our national identity as a fair and inclusive nation. This submission is based on our ongoing commitment to fair and inclusive migration. It is also aligned with and is informed by FECCA's networks and sector partners including the Refugee Council of Australia; Settlement Council of Australia; Asylum Seeker Resource Centre; Human Rights Law Centre; and Amnesty International.

This submission is also informed by the [six key migration principles](#) developed by FECCA in collaboration with 32 sector organisations for the 2023 migration review. These principles envision a migration system built upon fairness and affordability, timeliness, transparency and accountability, simplicity, informed decision-making, safety and support. By adhering to these principles, Australia can move forward towards a migration destination of choice and benefit fully from the diverse cultures, languages, life experiences, skills, and strengths of migrant communities and the social and economic benefits migration brings to Australia.

FECCA has long advocated for a fair and inclusive multicultural nation. Some of our recent advocacy work includes our submission to the [Multicultural Framework Review](#). We also led a joint [Sector Multicultural Framework Review](#) submission based on our framework signed up to by nearly 100 community organisations. Other relevant submissions to this inquiry include our submissions to the [A migration System for Australia's Future](#), [Migration, Pathway to Nation Building](#) to [Reforms Partner Visa Program](#), [The efficacy, fairness, timeliness and the costs of the processing and granting of visa classes which provide or allow for family and partner reunions](#) and [Australia's Human Rights Framework](#).

Introduction

Australia has a long-standing reputation as a welcoming nation, built upon its commitment to the fundamental values of freedom, respect, fairness, compassion, dignity, and equality. These values resonate deeply with many Australians and contribute significantly to making Australia an attractive destination for people worldwide. Australia's commitment to these principles extends beyond its borders, as evidenced by our role as a signatory to the 1951 Refugee Convention.

FECCA's Position

FECCA **does not** support the proposed Migration Amendment (Removal and Other Measures) Bill 2024. The passage of this Bill would set a concerning precedent for refugee protection and could have a lasting negative impact on refugees and asylum seekers in Australia and on the social cohesion of our nation.

FECCA remains committed to supporting the Government on human-rights based approaches to Australia's migration settings, policies and legislation that meet the needs and aspirations of the nation.

Rationale

The proposed Migration Amendment (Removal and Other Measures) Bill 2024 (the Bill) stands in stark contrast to these values and goes against Australia's obligations under the 1951 Refugee Convention. It has the potential to break families apart and put refugees and asylum seekers in a precarious position of deportation to countries where they face harm, or facing indefinite detention or jail time. It could also result in excluding some people from migration based on their nationality, marginalising specific ethnic communities within Australia, and undermining social cohesion.

Going against Australia's history as a welcoming nation

Australia has earned recognition as a welcoming nation, having successfully resettled multiple generations of migrants, refugees and asylum seekers. Since World War II, more than 93,000 refugees and humanitarian entrants, along with their families, have made Australia their home. Today, they are part of our growing multicultural community. According to the 2021 census 29.3 per cent of Australians were born overseas while more than half (51.5%) of the population were either born overseas or have a parent born overseas, and 22 per cent speak a language other than English at home. Australia continues its commitment of hospitality, providing safety and protection to some of the world's most marginalised people.ⁱ This commitment is evident in the increased planned levels of humanitarian visas, which rose to 20,000 in 2023-2024 from 17,874 in 2022-2023, exceeding the annual average of approximately 13,500 humanitarian visas typically issued since the mid-1980s.ⁱⁱ The Bill goes against this rich history of Australia as a welcoming nation.

The proposed amendments are causing significant concerns among our communities - concerns about security, belonging, and dignity, casting a shadow over their sense of belonging to Australian society and trust in the Australian Government. Many of the people who oppose the proposed migration measures are integral members of Australian society who have enriched our nation through their social, economic, and cultural contributions.

"If this Bill goes through, if someone like me who was an asylum seeker was returned to my country, I think I would have been killed as I was a minority group who was persecuted. I left my home as it was burned, my husband was killed in front of me and my 2 children, I was read by the military and left. I had to flee my home and my country on a boat with my 2 children and go

through almost dying in that boat. If it was not for the advocacy of an international organisation, who knows what would have happened and over a long process, we managed to get PR. ”

Former asylum seeker and contributing member of Australian society

The story above is a powerful reminder of the human face and potential impact of the proposed amendments. It underscores the need for a compassionate and inclusive approach to migration policy that fosters a sense of security and belonging for all who call Australia home.

Breach of our commitment to the 1951 Refugee Convention

The proposed amendments present a significant departure from Australia’s obligations under the 1951 Refugee Convention. Despite being bound by international law to provide protection to those fleeing persecution, the Bill penalises and criminalises people seeking asylum in Australia. In addition, the risk to human rights of deporting vulnerable people including refugees and stateless persons, to countries where they may face severe harm or even death, or to countries where they may have no family ties or networks are significant. As noted by the Human Rights Law Centre, [the government's proposals pose a significant risk to people's lives](#).

The cost of Australia disregarding international norms is not aligned to our status as good global citizens, and will have far-reaching consequences on the lives of vulnerable people and communities.

“I am a health professional who has been working with refugees formally since 1999. My father came to Australia as a refugee and if he and my mother were not given an opportunity to stay, work, have a family I would not have been able to have the education I have and then have given back to the community in a paid and unpaid capacity. From my observations of many refugees who come to Australia due to English language, torture and trauma backgrounds they are unable to access systems and know how to navigate immigration. I have observed when refugees are not able to stay and be safe in Australia, they are high risk of suicide and self-harm at the thought of returning to homelands they have escaped. If refugees are culturally diverse e.g. LGBTQI and the country they have escaped does not accept their identity, then consequences for their return are dire.”

A community services professional with over 25 years’ experience

Also concerning in regard our international commitments are the proposed measures granting unprecedented powers to the Minister to revoke protection status for people who have already been granted protection status, potentially jeopardising their safety and well-being. Such broad powers without clear and strong oversight do not align with the checks and balances integral to Australia’s democratic processes and undermine Australia's commitment to upholding its obligations under the 1951 Refugee Convention.

Jeopardising the well-being of families

In the recent election, Australians gave its mandate to a Government that promised compassionate approach for refugees and asylum seekers. Alongside the sector call, we urge our government and leaders to honour that commitment and build the welcoming, humane Australia that supports an inclusive and cohesive society.

Australia's migration laws should aim to foster family connection and reunification. FECCA, alongside other sector organisations, has long advocated for family reunification, recognising families as a

critical source of support and settlement for people from refugee backgrounds. However, the Bill undermines these efforts by granting the Minister the power to enforce removals, even if it leads to family separation. This includes examples where citizen parents or family members may be compelled to participate in deporting their children or family member, regardless of their children's or family member's best interests.

While refugees and their families are building their new lives in Australia, many are already grappling with the severe physical, mental, economic and social impacts of dislocation. The proposed Bill risks further fracturing families, deepening existing trauma, and creating an even greater burden for these already vulnerable communities.

"I have had to wait for a very long time to reunite with my family. This wait has seriously impacted my health. We have worked very hard to make Australia our home. I don't know what will happen to me, my family, my community and people like us if this Bill goes through. I am very worried."

Central Queensland Rohingya Community- Community member

Unfair criminalisation of refugees and asylum seekers

The Bill seeks to criminalise people who do not comply with deportation procedures, imposing severe penalties, including mandatory imprisonment for a minimum of one year and a maximum of five years, irrespective of the person's unique circumstances including health reasons that may hinder their ability to cooperate or if the person's claims for protection are genuine. This threat alone will compel many people to comply even though it may place them in a dangerous position where they can be deported to countries where they face serious harm, including death. Those who choose not to cooperate or are unable to cooperate can face indefinite incarceration in immigration detention centres or prisons, including people with genuine protection claims. Such an approach is in serious violation of Australia's obligations under the 1951 Refugee Convention and other international agreements. The Bill further penalises those who have been already subject to the flawed fast track process, where many asylum seeker's protection claims have been delayed and not fairly reviewed.ⁱⁱⁱ In doing so, the Bill undermines key principles of fairness, equality, and human rights, posing significant challenges to Australia's reputation as a fair and just society in the global stage.

The discriminatory nature of the Bill

The Bill bans countries who fail to cooperate in the removal of its citizens and subsequently bans visa applicants of those countries. This means that people from the banned designated countries would be prevented from seeking asylum in Australia, regardless of their personal circumstances or fear of persecution. Such a ban would go against Australia's proud tradition of providing protections to those fleeing persecution. It would also ban other potential migrants from the designated countries who might otherwise consider Australia for work, residency, or education. The discriminatory nature of the Bill also risks marginalising existing communities from the banned countries within Australia, undermining the Government's efforts to support and promote social cohesion.

ⁱ <https://fecca.org.au/wp-content/uploads/2023/11/2023-10-FECCA-Submission-Multicultural-Framework-Review.pdf>

ⁱⁱ <https://immi.homeaffairs.gov.au/what-we-do/migration-program-planning-levels>

ⁱⁱⁱ https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/20221003_HRLC_RCOA_Kaldor_Centre_Submission_Committee_Against_Torture.pdf