

# Labor for Refugees



New South Wales/A.C.T.

[www.labor4refugees.com](http://www.labor4refugees.com)

**Convenors:**  
**Shane Prince SC Mob:**  
**Jenny Haines Mob:**

**Secretary:**  
**Nizza Siano Mob:**  
**E: [contact@labor4refugees.com](mailto:contact@labor4refugees.com)**

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Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

By email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

By online submission portal - [https://www.aph.gov.au/Parliamentary\\_Business/Committees/OnlineSubmission](https://www.aph.gov.au/Parliamentary_Business/Committees/OnlineSubmission)

Dear Secretary

## **Migration Amendment Bill 2024**

Labor for Refugees NSW-ACT refers to the very brief and short notice opportunity provided by the Senate to make a submission on the *Migration Amendment Bill 2024* (the Bill). We are a community who have worked for many years to improve policy on refugees and asylum seekers. Further details about us can be found here - <http://www.labor4refugees.com/>.

In the short inquiry period available we do not have time to use our volunteer grass-roots experience and expertise to find and respond to each and every one of the reported many flaws in the Bill. We are aware of the details of some of the many flaws because of the excellent work of civil society expert law and policy organisations such as the Refugee Council of Australia, the Human Rights Law Centre, the National Justice Project, the Asylum Seeker Resource Centre and the Kaldor Centre for International Refugee Law. We have confidence in their dedication to the best interests of the broad community in urging the Parliament to not pass this Bill, but to take the time to get right the fundamentally important balance between protecting the community and responding to border and visa management issues.

No Australian law should permit the federal government to willfully separate families and disrupt the capacity of people to live peacefully in Australia and contribute to our communities.

No Australian law should permit the government – a Minister, a bureaucrat - to cancel refugee status or to prevent an asylum seeker from establishing their refugee status. Refugee status, once established, must be retained and the responsibility to give permanent protection honoured by Australia.

It is not acceptable that the Australian Government pay third countries to accept people Australia wishes to deport, as is proposed in the Bill. This could be considered a form of people trafficking.

The short time available for the Committee to conduct this inquiry and the short time available for the Parliament to properly consider the effect of all of the provisions of the Bill are the core problem. Rushed Bills result in bad laws. This is a point we made in April in an earlier enquiry on an earlier Bill, the *Migration*

*Amendment (Removals and Other Measures) Bill 2024.* It is disappointing to see that the government and opposition parties are happy to rush legislation that is likely to hurt individuals and families. When Parliament makes laws without hearing directly from the people affected by the laws – non-citizens and their families and communities – the result is not surprisingly unfit for purpose and likely to be unnecessarily cruel.

Bad laws need to be brought before courts to check whether they are constitutionally valid. If they are not valid those bad laws need to be re-written, and so on. This ‘legislate then litigate’ process shifts responsibility and workload from our elected representatives to the grass roots, the community, to individuals who are victims of bad law and are prepared to challenge the bad law, to lawyers being prepared to take on cases (often on an entirely free basis) and to the courts, who can only judge the constitutionality and lawfulness of the legislation and any decisions made under it.

It is difficult to see any good policy advantages to such an approach to migration policy, when the alternative is available for the Parliament to do the work properly, as it is elected to do.

More broadly, Labor for Refugees urges the Parliament to stop Australia’s long journey of unjustifiable discrimination against non-citizens at the discretion of a Minister and unaccountable, unelected departmental officials, in the name of ‘strong borders’ and ‘protecting the community’.

Labor for Refugees opposes the passage of the Bill and urges all parties and Independents in the Parliament to take the referral of this Bill to this Committee, as an opportunity to avoid enacting a Bill which is yet another example of law-making on the run which will do more harm than good.

Yours sincerely,

Nizza Siano  
Secretary