

17th December

Submission to the Inquiry into the Migration (Strengthening the Character Test) Bill

I note the proposed Bill would enable the Minister for Immigration to deny or cancel visas for foreign nationals that have been convicted of some serious offences.

On face value, it seems reasonable to enable the deportation of visa-holders on character grounds, namely those who have been convicted of a serious offence. This can be beneficial to protect the community, by not letting people who have previously committed a serious offence and could do so again. There is also a normative aspect, in showing our values and the sort of people that we want or allow into Australia. Namely, that serious offences such as, say, domestic abuse or other violence are not acceptable.

The power is discretionary, hence not all people falling under the above criteria would necessarily be deported. Nonetheless, there could be concerns that the power would be used too widely or sweeping up relatively minor offenders. Notably, the Bill targets people who have been convicted of an offence punishable up to two years, regardless of the actual offence given - which could be much lower because of mitigating circumstances. Some of these people could have lived or had connections in Australia for many years and/or otherwise acted in good behaviour apart from one offence. They could further be deported to a home country to which they did not have much connection, at least compared to Australia.

I believe there needs to be a strong case made statistically about what problem there is that the Bill seeks to solve. That is, how many visa holders could be subject to cancellation or deportation under the proposed regime - and, moreover, how much these visa holders have presented a real problem to community safety. This is important given the proposal to increase the power of the Minister, with the potential for disruption to visa holders and the community, for which we are meant to rely on the good-faith of the Minister. While there are some reasonable arguments for the Bill in principle, there are also concerns about how it would work and whether it is necessary that should be addressed.

Thank you for considering my submission.

Benjamin Cronshaw.