

Dear Senators,

I am writing to express my deep concern regarding proposed powers to the Minister to cancel visas, and deny protection to people who have not committed an offence, or who have committed minor offences and have served short sentences or have otherwise been appropriately sanctioned.

There have been many instances of cancelled visas on 'bad character' grounds, that have been found to have no case to actually answer for and eventually released, having been unjustly deprived of their liberty for many years.

The proposed amendments would give even more power to unjustly detain, and potentially deport individuals, because it extends to the power to cancel a visa on very insubstantial grounds, including when no offence has been committed.

I understand that the proposed amendment would also result in a lack of review processes and could increase the risk of refoulement - where people who seeking our protection are returned to places where they would be in danger. This is not consistent with our obligations under the UN Refugee Convention, and is clearly inhumane.

In summary, I believe that there are more than sufficient powers already to cancel visas. This is evidenced in the very significant increase in visa cancellations in recent years. With Australia cancelling visas on character grounds to an increase in some years of 1100 percent, since legislation was passed in 2014, amending the 1958 Migration Act.

The High Commissioner for New Zealand has also written to the Committee expressing concern that New Zealand citizens would be more readily deported should the amendments be legislated, and that this would further heighten tensions between Australia and New Zealand. The rapid and contentious increase in the number of deportations of New Zealanders in recent years is evidence enough that the powers to deport are already excessive.

The Bill should not be supported - the proposed expansion of the Minister's power to cancel visas on character grounds is unnecessary and would result in serious harm to families and individuals, and to the further erosion of Australia's international reputation and human rights record.

Yours sincerely,

Dominique Millar