



8 April 2024

Committee Secretary
Senate Legal and Constitutional Affairs Committee
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Dear Committee,

Submission: Migration Amendment (Removal and Other Measures) Bill 2024

Please find below the brief submission that I am making on behalf of the people of African descent residing in Queensland.

I would welcome an opportunity to appear before the committee on the matters that I have highlighted in this submission in relation to the new Migration Amendment (Removal and Other Measures) Bill 2024.

This submission has been particularly endorsed by the leadership of the South Sudanese Community Association in Queensland because of their concerns regarding a significant number of their members on the deportation list or likely to face deportation in the future.

Sincerely

Beny Bol OAM

President, Queensland African Community Council



Introduction

“Australian identities crises are playing out in the absence of leadership. When will a white Australian political leader own these youth as our own and squarely face the challenges they endure and make clear the high expectations their country has of them? That they have rights and responsibilities, as surely as everyone else? That we want from them the best habits of their heritage and to avoid the worst of ours, so they can own the future as much as Australian youth of Aboriginal, Asian or European heritage? There is nothing to be gained from trying to hector people to deny a layer of their identity in the name of shared nationhood, especially if that identity has been denied dignity and respect. Similarly there is nothing to be gained from making one part of our identity the only thing that matters, and in the process denying and denigrating other parts, not least our common citizenship,” Noel Pearson, The Australian Newspaper, 25 January 2019.

The Queensland African Communities Council (QACC), is a not-for-profit and non-political umbrella organization that represents more than 80,000 people of African descent and organisations across Queensland. QACC has committedly served the African community since 2003 and has been able to do so through the generous support from a strong membership base across different African countries, and strategic partnerships with mainstream specialist service providers and agencies.

One of the key goals of the QACC is to provide services that are tailored to the needs of the community and guided by community input throughout the entire process, from initial planning to execution. This approach is vital in addressing the increasing complexity of issues and acknowledging that many community members lack confidence or resources to engage effectively with mainstream services. Additionally, it recognizes that there may be a significant level of distrust towards certain agencies among community members.



QACC also established the African Youth Support Council (AYSC) in 2020 – a youth agency within the QACC that currently employs more than 15 youth mentors and intensive family case managers that run both early intervention programs in schools and rehabilitation programs inside the juvenile detention centres and adult corrective centres across Queensland. We operate our specifically targeted programs under the African Village Model that’s proven to be very effective.

Issues of serious concern

1. Section 199F - designation of a removal concern country

We are seriously concerned that the Bill empowers the Minister to designate a country as a removal concern because its government refuses to cooperate with the Australian government to have its nationals removed from Australia.

It should be noted that the governments of countries potentially impacted by this provision could include South Sudan, given the considerable number of South Sudanese individuals within the Criminal Justice System whose visas may have been or are likely to be revoked, leading to deportation. These countries are governed by authoritarian regimes with abysmal human rights records and little regard for the rights, life, health, and well-being of their citizens. Consequently, the likelihood of these governments cooperating with the Australian government regarding their nationals who have committed serious criminal offenses in Australia is extremely low. If these individuals were involved in significant political activities that posed a threat to their governments, said governments would likely accept them back only to subject them to further severe punishments.



2. Section 199G – visa applications by certain nationals by a removal concern country

The halt in processing new visa applications for individuals from a country identified by the Minister as a removal concern unfairly penalizes genuine individuals who have neither engaged in criminal activities in Australia nor been associated with a government from the designated country that refuses to cooperate with directives from the Australian Government.

We suggest that the Bill exclusively address individuals who have committed criminal offenses and governments of removal concern countries. In cases where a national subject to deportation or a government of a removal concern country is uncooperative, the Australian Government should only contemplate punitive measures against the offender or government, sparing innocent individuals unrelated to the committed crime or their government's decisions regarding the Australian Government's requests.

3. Paragraph 199G (2)(b)

Paragraph 199G (2)(b) stipulates that subsection 199G(1) does not apply to visa applications made by non-citizens who are spouses, de facto partners, or dependent children (as defined by regulations) of Australian citizens, holders of valid permanent visas, or individuals usually residing in Australia without time limitations imposed by law. Our concern lies in the following areas: that this provision of the Bill restricts the definition of family solely to spouses and immediate children.

(a). The exemption only applies to a very narrow scope of family members: spouse, de facto, dependent child (paragraph 199G(2)(b)) OR a parent of a child under 18 who is in Australia (paragraph 199G(2)(c)).



That means the exemption would not apply to:

- a. Parents of children who are not dependent children;
- b. Grandparents;
- c. Brothers and Sisters;
- d. Anyone culturally viewed as a family member who does not fit within the very narrow definition provided in the Bill– this would include someone who effectively raised a child to adulthood whether a blood relation or not; and
- e. Very close friends.

Unless the Minister granted a specific exemption none of the above could visit family members in Australia

(b). There is also the question of commercial and cultural connection. Unless the Minister grants a specific exemption, no one from a removal concern country could come to Australia to study, for business or to engage in cultural activities (including religious).

We understand that the government is reportedly targeting up to 5 countries including Iran, South Sudan, Zimbabwe and Russia. We do not know how the governments of these countries would respond (retaliate) potentially in a manner that could negatively impact on innocent nationals of their countries.