

The Bayside Refugee Advocacy and Support Association
www.baysiderefugeesupport.com



SUBMISSION TO THE LEGAL AND CONSTITUTIONAL
LEGISLATION COMMITTEE
regarding
*THE MIGRATION LEGISLATION AMENDMENT (REGIONAL PROCESSING
COHORT) BILL 2019 (PROVISIONS)*

The Bayside Refugee Advocacy and Support Association is a community group of about 60 members who live in the southern Bayside suburbs of Melbourne. It raises community awareness of the plight of refugees and provides financial and other support to refugees in our community.

Our Association is opposed to the above proposed amendment for the following reason:

It appears to be an ill-considered response to the possibility that, if the Australian Government should accept the New Zealand Government's offer to accept 150 refugees annually from Australia's offshore detainees for re-settlement, that these people might eventually come to Australia through the privileges normally extended to other New Zealand citizens who wish to visit Australia. It seeks to disadvantage these potential new New Zealand citizens by denying them the rights to access Australia for any purpose.

The Amendment is ill-advised because:

1. It is inappropriate for Australia to seek to impose a distinction between New Zealand citizens, or indeed those of the United States or any other country that might, in the future, agree to re-settle Australia's offshore detainees. Any such attempt to impose invidious distinctions upon the citizens of other countries might serve to discourage their governments from offering assistance to Australia in re-settling our offshore refugee detainees.
2. Amongst those refugees currently detained in Australia's offshore detention program, there are a number who have relatives living in Australia. In the event that a re-settled person wishes to visit Australia for compassionate reasons, e.g. to attend a funeral, to provide assistance to a sick relative, or to attend a significant family occasion, such as a wedding, such a policy would constitute an unwarranted and indefinite continuation of Australia's harsh and punitive treatment of former detainees.

3. The arbitrary nature of possible exemptions could lead to results which expose Australia's refugee policy to further public international scrutiny and criticism. For example, it is well documented that refugees make good citizens, with strong incentives to succeed in all walks of life. Some rise to the very top in the arts, sport, science and politics, among other things, and this amendment would make their travel to Australia a discretionary matter, at the behest of the Minister.
4. The proposed amendment would have the effect of removing transparency from the Migration Legislation by investing the Minister of the day with the power to make decisions on an arbitrary basis that cannot be challenged by courts.
5. The proposed amendment would also constitute a further breach of Article 31 of the United Nations Refugee Convention, which states that people who seek asylum should not be penalised for their mode of arrival in another country.

We urge you to reject this proposed amendment to the Migration Legislation.

Yours sincerely,