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Via email: legcon.sen@aph.gov.au

Committee Secretary
Senate Legal and Constitutional Affairs Committee
Parliament House, Canberra ACT 2600

SUBJECT: Migration Amendment Bill 2024

Dear Chair & Committee Members

We appreciate the opportunity to make this submission regarding the Bill.

I am writing on behalf of Ballarat Rural Australians for Refugees to express our concerns about this proposed Bill. Some of our members have had close contact with people held in detention, especially at MITA (Melbourne Immigration Transit Accommodation); others involved in providing emotional, practical and financial support to people living in our community for 10 +years; and in recent times members have shown solidarity with those who slept outside the Home Affairs Office, Melbourne for 100 days simply to draw attention to the uncertainty in their lives (which has extended to 12 years).

The following points explain why we recommend the Bill not be passed.

There is a human cost

The 'deal' is a commercial incentive where money is offered by our Government to a third country in exchange for a person or cohort (termed removal pathway non-citizen). The question is:

- Where is the dignity for the person in this?
- Where is the honour in this system?
- How does this 'Trumpion' act play out on the world stage?

Refoulement would be a significant risk for people deported

- The lives of refugees in Papua New Guinea (PNG) is a case in point. They had had been left without financial assistance for a year up until recently when they were offered an insufficient amount of money to cover accommodation and other living costs; they are in a vulnerable position; some have serious mental health issues. For a group of people who have suffered for so long the

cutting off of financial supports or giving inadequate support is a cruel form of punishment

- Potentially, people will not receive a valid visa from the third country leaving them with no rights. This will aid or entrench the person becoming stateless; and leave them at risk of being deported to their country of origin (the country they had fled)
- Possibly, people will be locked up, placed in detention in this third country

Detention is not a short-term measure it has become a form of torture for refugees

- Processing times in Australia and third countries are notoriously slow
- Just how long will people be held in detention in Australia?
- We know many of the refugees in PNG have pathway arrangements with third countries, but this has dragged on for years

The financial bottom line

- Expenditure for off-shore detention has grown over the years
- Just how much will this arrangement cost this year, next year and into the future in Australia and overseas?

Reversing previous designations is not just and is anxiety inducing

- It is not the done thing, it is not honourable, it is not sporting, it can't possibly be legal
- Up to 8,500 people who fled persecution and have asked for protection in Australia have been failed by the flawed Fast Track system. They could now be subject to a removal pathways direction
- These people have spent 12 years in a limbo, dealing with anxiety and despair. Meanwhile their children born here, have/will become Australian citizens

Undemocratic

- Rushing this Bill through Parliament is undemocratic. It leaves no time to hear from those affected and other stakeholders.

We Welcome Refugees and want to see people treated fairly. The proposed changes are aggressive and heavy handed; discriminatory; will see families separated; and entrench the idea that restrictive measures (e.g. curfews) is okay for refugees when we don't do this to anyone in the general population.

We oppose the Bill in its entirety and accordingly ask the Committee to recommend the Bill not be passed.

Yours sincerely

Margaret O'Donnell
Convenor, Ballarat Rural Australians for Refugees