

This bill must not be passed because:

1. It risks serious non-compliance with Australia's obligations under the Refugee Convention.
2. There is no consideration of whether the person criminalised genuinely fears that they will be harmed by return to their homeland, or is otherwise medically unable to co-operate with their removal.
3. The Bill does not consider a mechanism to review ongoing and indefinite detention.
4. The Bill deliberately separates families.
5. The Bill expands the Ministers' "god-powers" to deny visas to any person from designated "removal concern" countries.
6. Labor has rightly acknowledged that the "fast track" system has been neither thorough, fair nor robust. This Bill further penalises victims of the "fast track" system, whose claims for protection have never been properly or fairly addressed.

Please accept this submission.

Migration Amendment (Removals and Other Measures) Bill 2024

Dear Sir/Madam,

The proposed bill. MIGRATION AMENDMENT (removals and other measures) Bill causes much concern and alarm as an Australian citizen living in Australia .

It is imperative that this Bill is not passed

The 'fast track' refugee determination process has been subject to extensive international criticism, as has been rightly acknowledged by the Labor government as neither fair, thorough nor robust. The Bill further penalises the victims of the 'fast track' system, whose claims for protection have never been properly or fairly addressed.

The Bill will create a 'roundabout' regime that will compound indefinite detention of certain people. It will allow for people who genuinely fear harm, or who are medically unfit to cooperate with their removal, to be imprisoned for up to five years, and then presumably returned to detention. The Bill does not consider a mechanism to review ongoing and indefinite detention, or to order the release of people from detention into the community. Passing the Bill will compound the practice of indefinite detention and further penalise and harm those subject to it.

If the Senate passes this bill, it could lead to refugees being banned entry to Australia or forced to return to countries where they face persecution or even death .

Separation of families

The Bill deliberately separates families. The Minister can require a person to comply with a direction in relation to their removal, irrespective of the impact this would have on their spouse, children or other family members. It is extraordinary that the Minister is authorised to direct a person in relation to their own child.

In addition, the broad prohibition that prevents almost all people from designated countries from applying for any visa to come to Australia will inevitably and permanently separate families, including those fleeing conflict and war.

It is imperative that this bill is not passed and so I am requesting that you vote **AGAINST** the MIGRATION AMENDMENT when it comes to a vote in the Senate .

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100 Parliament House
Canberra ACT 2600

Submission to the enquiry into and Report on Migration Amendment (Removal and other Measures) Bill 2024

Dear Committee Secretary

I am writing to you to as a private individual and as a member of a human rights group, the Bayside Refugee Advocacy and Support Association (BRASA). Members of our organisation increase community understanding in the local area, (ie Bayside Melbourne), with regard to issues faced by refugees and asylum seekers, and provide support and assistance to asylum seekers living in the community. I am sending a submission to express my concern with regard to the above bill which the Labor Party rushed through the House of Representatives, was rejected in the Senate, and has been referred to your Committee.

I am most concerned about the harm and damage this bill could do to many refugees in our community. Our concern is that, under the provisions of this new amendment to the Migration bill, people whose serious and legitimate claims for protection that were never properly or fairly addressed under the so-called "Fast Track" process, (which the current government abolished), may now face further barriers and penalties.

Many are living in limbo, often without work or study rights, with no financial assistance or health cards. Many already suffer severe mental health problems because of the uncertainty of their position, and this bill has intensified their fears for their future lives, and for that of their children.

Another concern is that the Bill also criminalises non-cooperation by a "removal pathway non-citizen". This bill, if implemented, has the potential to impact on vulnerable individuals and families, and includes the risk of returning them to danger. It has the potential to separate families and tarnish Australia's reputation.

This bill would provide the Minister with new power to direct individuals to facilitate their own removal by engaging with regimes from which they fled seeking safety in Australia. Some of these regimes refuse to take their citizens back once they have left. If they refuse, they could be imprisoned for from one to five years. Placed indeed between a rock and a hard place!

People would face up to five years imprisonment with a minimum mandatory sentence of 12 months, irrespective of whether the person genuinely fears harm, or is even medically unable to cooperate with their own removal. It is noted that the offence does not apply if the person has "a reasonable excuse". I wonder what circumstances would qualify for this provision?

The Bill appears to significantly expand the powers of the Minister without adequate safeguards, only requiring the Minister to consult the Prime Minister and Foreign Minister before designating a country as a “removal concern country”. This bill would also impose a “bar on new visa applications” for people from that country, which would continue the separation of family members, and not allow people to travel for study, to see family, and discriminate against others from the country designated as a “removal concern country”. This is a broad ruling which would have the effect of any nationals from certain countries being unable to enter Australia. I note that, at this time, some countries refuse to take their citizens back.

The bill could separate families, and provide significant expansion of the Minister’s power, without any adequate checks and balances put in place. This would be a dangerous extension of the Minister’s “god-like” powers.

Thank you for the opportunity to make a submission to your committee.

Yours sincerely