



The Hon Chris Bowen MP
Minister for Immigration and Citizenship

The Hon John Murphy MP
Chair
The House Standing Committee on Petitions
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Mr Murphy,

Thank you for your letter of 12 May 2011 relating to a petition recently submitted to the Standing Committee on Petitions regarding complementary protection for those people who fall outside of the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (the Refugees Convention) criteria.

I am pleased to advise the Committee that the *Migration Amendment (Complementary Protection) Bill 2011* (the Bill) was passed by the House of Representatives on Wednesday 25 May 2011. The Bill was introduced into the Senate on 14 June 2011.

The Australian Government is committed to promoting efficient, transparent and accountable immigration decision-making that provides appropriate outcomes for people seeking Australia's protection, in line with Australia's international human rights obligations.

The Bill will enable all claims raising Australia's Refugees Convention obligations and other *non-refoulement* (non-return) protection obligations to be considered under a single, integrated and timely Protection visa process with access to merits review, while maintaining the primacy of the Refugees Convention.

The complementary protection framework is designed to capture Australia's *non-refoulement* obligations contained in human rights conventions to which Australia is a party, namely:

- the *International Covenant on Civil and Political Rights* (ICCPR) and its *Second Optional Protocol*;
- the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT); and
- the *Convention on the Rights of the Child* (CROC).

The Bill reflects the Government's longstanding commitment to protecting those at risk of the most serious forms of human rights abuses. A person would be eligible for complementary protection if they face a real risk of:

- being arbitrarily deprived of life; or
- having the death penalty carried out; or
- being subjected to cruel or inhuman treatment or punishment; or
- being subjected to degrading treatment or punishment.

People afforded protection under complementary protection may include women fleeing so-called "honour killings" or female genital mutilation. Each case would be assessed on an individual basis to determine if there are substantial grounds for believing that, as a necessary and foreseeable consequence of being returned, there is a real risk that the person will suffer significant harm.

The Government is committed to ensuring the passage of complementary protection legislation to reduce reliance on the Ministerial intervention process which is a lengthy and extremely stressful process for applicants.

Thank you once again for writing regarding the complementary protection petition.

Yours sincerely

CHRIS BOWEN

19 JUL 2011

