



8 May 2006

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Senator the Hon Amanda Vanstone
Minister for Immigration and Multicultural Affairs
Suite MF 40
Parliament House
CANBERRA ACT 2600

Dear Minister

Proposal to amend the Migration Act

The Law Society of South Australia has grave concerns arising from your announcement of the Federal Government's proposal to amend the *Migration Act* so that all applicants who arrive in Australia by boat will be removed to off-shore facilities for processing.

The Society notes that your announcement does not address whether it is intended to accept that such arrivals are making application to and in Australia for refuge. To this extent, the proposal appears to be in breach of our international obligations under the Refugees Convention.

The Law Society of South Australia urges the Federal Government not to put forward amendments which may diminish Australia's international standing and attract adverse comment from organisations such as Amnesty, Human Rights Watch and the UNHCR.

The Society expresses particular concern at comments attributed to you by the media to the effect that such applicants will not be able to access the Australian legal system. We note that it is the stated policy of the Federal Government that Australia will decide who will come to Australia and how they will come. It would seem to be an abrogation of that policy, and of Australia's sovereignty over our territory, if such applicants are to be dealt with by any legal system other than the Australian legal system.

The Society seeks your reassurance in this regard that these applicants will be processed by the Australian legal system and no other, and that they will be given access to appropriate legal assistance and that their applications will not be hidden from view and scrutiny.

The Society seeks also your assurance that, under these new arrangements, children will neither be detained in immigration centres nor separated from their families.

The Society notes that Australia has granted visas to over 90 per cent of boat arrivals initially rejected by DIMIA officials. This highlights the positive role of such reviews and reinforces the need for them to be timely, rigorous and accurate.

The role of public scrutiny of the refugee screening process should not be underestimated. The Society is aware that the discovery of Cornelia Rau, an Australian resident wrongly held in a detention centre, was only made possible by community concern about her. Had she been held off-shore, such scrutiny would not have occurred. The Society seeks your assurance that independent community scrutineers will have access to any off-shore processing facilities so as to enable ongoing public scrutiny of such places.

Yours sincerely



Deej Eszenyi
PRESIDENT