

**Senate Committee
Inquiry into the Migration
Amendment(Designated Unauthorised Arrivals)
Bill 2006**

**Submission by
Social Justice Committee
Conference of Leaders of Religious
Institutes (NSW)**

**Social Justice Committee
Conference of Leaders of Religious Institutes (NSW)
72 Rosebery Ave
Rosebery NSW 2018
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Introduction

The Conference of Leaders of Religious Institutes in New South Wales (hereafter referred to as CLRI(NSW)) represents 3,500 women and men religious, and promotes the life, mission and concerns of religious congregations in the Church and in our society. CLRI(NSW) does this by:

- articulating our spirituality and commitment as members of religious congregations;
- actively promoting Reconciliation;
- working for justice for all through our advocacy, especially for Aborigines and Torres Strait Islanders, Australians who live in poverty, refugees and asylum seekers, those harshly treated before the law, and victims of racism;
- raising our corporate voice to challenge the structures of injustice in our state, our country and our world; and
- establishing committees, working groups and task forces which maximise the potential of the Conference to bring about change, especially structural change, in the area of social justice.

As one of these established committees, the Social Justice Committee (hereafter referred to as the Committee) is a means through which CLRI (NSW) can act effectively with respect to issues of social justice. The functions of the Committee are to investigate, to initiate action concerning, and to prepare papers on, social justice issues.

Submission

The Social Justice Committee of CLRI (NSW) wishes to record its strenuous opposition to the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006. We exhort all Members of Parliament to vote against the Bill because its purpose conflicts with Australia's international legal obligations and sense of fairness.

We note the following concerns:

1. We maintain that all people who arrive in Australia seeking asylum from persecution must be treated fairly and humanely. All arrivals, whether they arrive by boat or plane or some other mode of transport, should be treated equally and before Australian law with the opportunity to seek legal advice. The Bill would create a discriminatory system in which the mode of arrival would dictate the subsequent processing of an asylum seekers claim for refugee status. This is an arbitrary and unfair distinction that will cause injustice and a worrying international precedent.
2. Australia must not transfer asylum seekers to a third state. Doing so involves exorbitant expense and relieves our Government from their duty to ensure people seeking asylum in our country are treated fairly and humanely. This Bill is an attempt by the current Government to shirk their international obligation to protect people from persecution. The funds dedicated to this irresponsible policy could be used to create a fairer and more humane settlement programs and systems for processing asylum seekers in on-shore, central locations
3. Transferring all asylum seeker arrivals to a third country that is not a signatory to the Refugee Convention would place refugees in danger of refoulement to countries where they may face persecution and place their lives or their family's lives in danger.
4. No children should be in detention due to the devastating impact of detention on children. Detaining children is a breach of Australia's international legal obligations under the Convention on the Rights of the Child (CROC) to act in the best interests of the child (Article 3(1)) and to only detain children as a last resort (Article 37 (b)).
5. Adults should not be in detention. The effect of long-term and indefinite detention is not only destructive to people's mental and physical wellbeing it arguably constitutes arbitrary detention, in breach of Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR).

The Social Justice Committee of CLRI (NSW) would be happy to expand on any of these points in further detail. We would also welcome the opportunity to attend a public hearing before the Senate Committee.

Yours Sincerely,

Alicia Jillard
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Social Justice Sub-Committee
CLRI (NSW)