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MEDIA RELEASE

REFUGEE SUPPORT SECTOR CALLING FOR MIGRATION BILL RE-THINK TO PROTECT REFUGEES

Refugee groups and advocates around Australia are urging the federal government to reconsider proposed changes to the Migration Act which would separate families, deport refugees, and further damage Australia's human rights record.

They are calling for separate consideration for people who, after living in Australia for more than 10 years, could be sent back to countries where they are at risk of persecution. This includes families who could be torn apart and thousands of people whose claims have been unfairly assessed under the flawed Fast Track process.

This follows Tuesday's announcement that, despite legal and human rights experts warning of significant risks, the government-majority Senate Committee provided the go-ahead to the Entry Ban and Deportation Bill.

According to Associate Professor Caroline Fleay, Centre for Human Rights Education at Curtin University:

"We are deeply disappointed and alarmed to see that the Senate Committee's report has failed to meaningfully engage with any of the very significant human rights concerns identified in submissions to the Inquiry. As well as the grave potential for harm, ignoring the testimony of people with lived experience and of human rights experts raises significant concerns about the fairness and integrity of this process."

"We strongly urge the federal government to reconsider provisions such as those which allow for the cancellation of refugee status which severely undermine Australia's human rights reputation and the integrity of the process."

The Senate Inquiry received over 120 submissions from organisations and individuals warning of significant human rights concerns. This included 20 submissions from refugee and migrant community groups opposing the Bill and describing the fear and distress it has caused.

The Bill raises significant concerns about the potential for increased harm for refugees because of provisions which:

- Threaten people with jail if they do not cooperate with their own deportation, even if they are in severe danger;
- Allow the Immigration Minister to cancel someone's refugee status;
- Allow the Immigration Minister to place a ban on anyone coming from a country if it does not accept people forced by Australia to return to that country.

The Bill also does not prevent the Minister from issuing 'removal pathway directions' to people who have not exhausted all avenues to remain in Australia. This means it could be used against people who are exercising their right to judicial review or ministerial intervention.

27-year-old Betia Shakiba's family could be separated if the Bill is passed. Although Betia, her siblings and her father were recognised as refugees, her mother's refugee claim was rejected under the flawed Fast Track process. As Betia shared at the Senate Inquiry:

"The fast-track process has neglected my mother, and now, with the looming threat of this bill, she faces the possibility of being deported or sent to prison for simply being with her children in Australia, potentially leading to her separation from me."

"The same unjust treatment applies to my husband, who, despite the harm he faced in Iran and our activism outside of Iran, has not been recognised as a refugee by the unfair Australian system…My husband's ability to remain with me in Australia remains uncertain, and he too faces threats of being drawn away from our family through being deported or facing imprisonment."

"Our family was heavily involved in public activism for women's rights in Iran in the wake of Mahsa Amini's death in 2022. It's not safe for any one of us to return to Iran...The minister's power to direct people to cooperate with their own deportation regardless of whether they have had a fair assessment of their protection claims will expose refugees and people seeking asylum, including my family, to severe harm, including death and continued incarceration, imprisonment or immigration detention. How is this fair?"

Geetha Ramachandran is one of 22 women who walked 640km from Melbourne to Parliament House, Canberra in 2023 to highlight the impact of visa uncertainty on people affected by the Fast Track process. Geetha and Rathi Barthlote are the co-founders of the Refugee Women Action for Visa Equality group:

"This Bill is so dangerous for refugees and asylum seekers. It gives the minister the power to deport any refugee or asylum seeker who is without a permanent visa. This means many people who came to Australia for safety could be deported back to the danger they fled from."

"Our lives are already established here, we all contribute and give back to the Australian community. Me and my children feel that Australia is our home. We wanted the government to see us as Australians and grant us the permanent safe future we deserve. My oldest son completed his secondary education in Australia and was fortunate to get a scholarship to the University course that he wanted. This Bill threatens to remove all the hard work and contribution we have made to this country."

"All of us are in such fear we will be deported back to the danger we tried to flee."

According to Assoc Prof Mary Anne Kenny, School of Law and Criminology, Murdoch University:

"This Bill needs to also consider the circumstances of people who have lived in our communities for more than a decade and established their lives here. Families need alternative visa options, so they are not torn apart. People affected by unfair Fast Track processes also need pathways to permanency, so they are not returned to countries where they are at risk."

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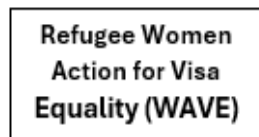Assoc Prof, Centre for Human Rights Education, Curtin University

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The following groups and refugee advocates have co-signed this release: