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Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014 must not be passed

As well as the proposal to reintroduce Temporary Protection Visas, this bill contains proposed amendments to the Migration Act which are very disturbing.

If passed, the bill will:

- Remove references to the UN Refugee Convention from the Migration Act, thus providing a loophole for Australia's domestic law to ignore obligations under international law
- Suspend the rules of natural justice and remove the ability of the High Court to challenge refugee policy and the actions of the Immigration Minister, his department and Operation Sovereign Borders.
- Provide an explicit power exempting certain vessels involved in maritime enforcement from the inappropriate application of the Marine Safety National Law, the Navigation Act 2012 and the Shipping Registration Act 1981. This will allow actions such as removing safety devices, food, water and fuel from asylum-seeking boats.
- Allow the Government to send boats or individuals anywhere it chooses. The bill removes the need for Australia to have a Memorandum of Understanding in place with countries in the region, or for the country to be a signatory to the Refugee Convention. By specifying that "place" is not limited to "another country", the Government raises the possibility of simply towing boats to waters beyond Australian territories and leaving them there without regard for the safety of passengers.
- Establish a fast track assessment process which removes access to the Refugee Review Tribunal and provides very limited review processes. Fast turnaround processing was ruled illegal in the United Kingdom in July 2014 as it carried an "unacceptable risk of unfairness".
- Classify children born in Australia, to asylum seekers who arrived by boat, as "transitory persons", creating a new group of stateless people, and giving them no access to permanent residency or citizenship.
- Change the definition of 'refugee' to allow the government to deny a claim for refugee status if it decides that there is a 'safe area' in the country of origin, or that the nation's police force is 'reasonably effective'. This absurdly assumes that persecutors will not travel to target victims and that there is no corruption in police forces in countries of persecution.
- Expand the power of the Australian government to remove non-citizens by a provision that states: "It is irrelevant whether Australia has non-refoulement obligations" in respect of a person; and removal can occur "irrespective of whether there has been an assessment, according to law" of whether protection obligations are engaged.

As well as the inclusion of flawed TPVs and Safe Haven Enterprise Visas, The Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014 is inherently dangerous. It effectively removes Australia from its obligations under the UN Refugee Convention, and paves the way for Australia to engage in human rights abuses and serious violations of international human rights laws. It allows Australia to be complicit, even collaborative, in the persecution, torture and execution of innocent people. It gives the Minister for Immigration, and the operations under Border Protection policy, absolute power by removing all accountability to Australia's justice system. It jeopardises Australia's international reputation of decency and could risk Australia's place as a sitting member of the UN Security Council.

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