Submission to Senate Legal and Constitutional Affairs Committee

Migration Legislation Amendment (Regional Processing Cohort) Bill 2019

Combined Refugee Action Group (CRAG) is based in Geelong, Victoria. We are a network for over 700 individuals and community groups across the Geelong, Bellarine Peninsula and Surf Coast region, all working for people seeking asylum to be treated with fairness and decency. Several of our members have been in regular contact over the past six years with people who are refugees and asylum seekers who fall under the current offshore processing cohort.

CRAG is very concerned about the Migration Legislation Amendment (Regional Processing Cohort) Bill 2019. We understand that the Home Affairs Minister has previously stated that he wants to pass legislation that will create a 'lifetime ban', for the people who are part of the offshore processing cohort, before New Zealand's viable and valuable offer of providing resettlement places is accepted. While we believe that the people in the offshore processing cohort who are still held in PNG and Nauru, or in detention here in Australia, should be released and provided with genuine resettlement immediately, there are some serious flaws in the proposed legislation:

1. People who have family members here in Australia will be separated from them for life under this bill. There is no justification for permanently separating people from their loved ones. Families need to be kept together in order for people to successfully rebuild their lives.

2. Article 31 of the Refugee Convention prohibits penalising people for their mode of entry when they seek asylum. People in the current offshore processing cohort have already been subjected to the penalty of up to six years of indefinite captivity in PNG and Nauru, and in situations of detention here in Australia. Separating people indefinitely from their families, as another penalty for their mode of arrival, is a further breach of the Refugee Convention.

3. The Bill suggests the Minister should have the power to prevent individuals, or classes of people, from applying for visas to visit Australia. This is an over-reach of power. All people should have access to a fair and transparent application and assessment process. The Minister should not be given the power to exclude people from the application process altogether due to his or her personal beliefs and preferences.

CRAG also notes that the people who remain in PNG and Nauru, and do not have family members in Australia, have repeatedly stated that they have no specific desire to come to Australia, but just want to rebuild their lives in a safe place where they have democracy, freedom of religion and human rights protections. Therefore, we believe that the Migration Legislation Amendment (Regional Processing Cohort) Bill 2019 is misguided.

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