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Migration Amendment Bill exposes people in need of protection to immense harm: CAPSA

The Catholic Alliance for People Seeking Asylum (CAPSA) condemns the passing of the Federal Government’s Migration Amendment (Clarifying International Obligations for Removal) Bill 2021 this week, which will expose refugees and other people in need of protection to indefinite detention and cause significant harm.

The law increases the likelihood that people who have had their visa cancelled or refused, for a variety of reasons, but cannot return to their country of origin due to the threat of persecution or other serious harms, be exposed to indefinite detention, without adequate judicial review.

Whilst clarifying Australia’s removal obligations towards unlawful non-citizens, the Bill also grants the Minister a power to revisit and overturn a person’s refugee status, which, while reviewable, may increase the risk of forced, unsafe returns (which would breach Australia’s international *non-refoulement* obligations).

“The painful human toll of immigration detention in Australia is well known. There have been far too many tragic stories about deaths, trauma and significant mental health problems. This is not an environment that vulnerable people, who have done nothing illegal by seeking asylum in Australia, should be exposed to,” says Julie Edwards, CEO of Jesuit Social Services and Co-Chair of CAPSA.

“We are deeply concerned that these new laws permit our political leaders to detain people indefinitely, which in some cases may mean for the rest of a person’s life. The potential consequences of these changes are catastrophic and we call for urgent reforms to Australia’s migration laws to ensure people seeking asylum are treated with care and compassion, not further marginalised.”

CAPSA believes that all people who seek asylum must be afforded food security, shelter, access to a livelihood, medical care and appropriate education, and have their claims adjudicated fairly within a reasonable timeframe.

“Many people in immigration detention experience heightened vulnerability due to the trauma they may have endured before arriving in Australia and as a result of Australian policies, and the very nature of indefinite detention compounds and extends these acute traumas and vulnerabilities. This law has clear potential to create and exacerbate harm and this is unconscionable. Australia must at all times do everything within its powers to uphold the human rights of all who seek our protection, and to ensure that all people to whom it owes a duty of care are treated humanely and with dignity,” says Tamara Domicelj, Country Director of Jesuit Refugee Service (Australia) and Co-Chair of CAPSA.

“Arbitrary or indefinite detention are unacceptable, and people seeking asylum should be able to live in the Australian community, with access to work rights, essential services, and a safety net where required, while their claims are processed in a fair and timely manner. And no-one should be returned to face persecution or other serious harm. Amendments to our laws must always be compliant with our international obligations.” says Ms Domicelj.

CAPSA is a national initiative to influence hearts and minds in the Catholic community towards a more just, compassionate and humane welcome of people seeking asylum.

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