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Home Affairs Legislation Amendment Bill Further Erodes Rights and Dignity of People Living in our Communities

Passed by the Parliament this Thursday 4th September, the *Home Affairs Legislation Amendment (2025 Measures No. 1) Bill 2025* is a deeply troubling piece of legislation that can be used to undermine core principles of justice and human dignity.

A number of Catholic Social Services Victoria (CSSV)'s member organisations serve and walk alongside people seeking asylum and other visa holders in the community that could be affected by this legislation. CSSV strongly opposes the introduction and passing of this Bill, which builds on the injustices entrenched in last year's [migration amendment bills](#). These bills were rushed through Parliament last December, giving the Government sweeping powers to negotiate financial agreements with (undisclosed) third countries to warehouse people deported from Australia (Third country reception arrangements), force people to cooperate with their deportation, and further diminish the rights of asylum seekers in immigration detention.

This home affairs legislation amendment strips away the 'natural justice' requirement – a cornerstone of fair legal process – by removing the Government's duty to provide people with notice and opportunity to respond to directions to cooperate with deportation orders, including deportation to a third country.

CSSV holds particular concern for the following implications of this legislation:

- The erosion of procedural fairness by removing a person's right to respond to deportation directions that disregards the legal standards upheld by Australian society and denies a fair process to asylum seekers and others without a visa.
- The legislation applies beyond those affected by the [NZYQ decision](#), whom it seems to have been designed to retrospectively target. It may have long-term and ongoing ramifications for anyone without a visa or whose visa could be removed, and makes particularly vulnerable people on bridging visas, including those on the failed fast-track system.
- Third country reception arrangements are tantamount to people trading with the Government's arrangement with Nauru to accept 280 deportees will cost Australia billions of dollars over thirty years. Australia is not prepared to allow these individuals, who have served time in prison for their offences, what we allow for Australian citizens and visa-holders – to return to living in their community. The best chance for people to have the prospects of a positive future is one where they have some community connections, support services, and decent job and training prospects. Australia is best placed to offer these conditions.
- The legislation justifies the potential separation of families through the deportation process. CSSV rejects any legislation that makes it easier for the Government to separate families.

Josh Lourensz, Executive Director of CSSV says "This legislation fails to uphold the inherent dignity of each human person affected and allows us to distance ourselves from responsibilities

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that Australia should hold. It further erodes the legal protections afforded to those without visas under Australian law.”

As Fr Frank Brennan SJ [writes](#) of three individuals who had returned to the community after serving sentences for crimes they were convicted of, “If these three persons were Australian citizens or persons with visas, they would continue to live in the community unless and until they committed further offences, were convicted and imprisoned.”

He also states, “Not having a bill of rights, our governments have been at liberty to treat unvisaed asylum seekers oppressively, using detention both as a deterrent and as an efficiency measure ensuring that persons without a visa are not readily absorbed into the community.”

Deportation should not be used as a solution to navigating challenges associated with people who have been living long term in our community and who have experienced difficulties and lasting issues due to the harsh process of seeking asylum.

CSSV Executive Director, Josh Lourensz, says, “this legislation is bad law and is being used as a solution to a perceived problem. It does not take into account the support, care and good will of communities and Catholic social service organisations, who believe that Australia and Australians can uphold the dignity of each person by working together to support people to live a safe and secure life if policy conditions are shifted to a base of compassion.”

“This Bill continues a concerning trend of the Government retrospectively legislating its way out of judicial decisions which happen to be politically inconvenient. The Government has failed to comprehensively re-evaluate immigration detention and deportation laws in meaningful consultation with legal groups, people seeking asylum, organisations who support people seeking asylum, and those picking up the pieces of flawed policy in the community, such as social and community services and healthcare providers.”

“Entrenching a system through this legislation that prioritises political expediency over human dignity and legal accountability, and delegating such decisions to the moral discretion of Ministers, is unacceptable. It is not just a matter of compassion for those seeking asylum in Australia – it is a regression of justice and transparency in our legislation.”

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