

Committee Secretary
Senate
Legal and Constitutional Affairs Committee
legcon.sen@aph.gov.au

22 November 2024

Dear Senate Legal and Constitutional Affairs Committee,

Re: Migration Amendment Bill 2024

We welcome the opportunity to provide a submission to the Inquiry into the Migration Amendment Bill 2024 (the Bill).

Jesuit Social Services is a social change organisation working to build a just society where all people can live to their full potential. For 47 years, we have accompanied the most disadvantaged members of the community, providing services and advocacy in a range of areas including: migration and resettlement; justice and crime prevention; mental health and wellbeing; education, training and employment; gender justice; and ecological justice. Our work spans Victoria, New South Wales and the Northern Territory.

Jesuit Social Services provides support to newly arrived families and individuals through our settlement program, as well as through our employment and training services to assist people to rebuild their lives in the Australian community. Jesuit Social Services' advocacy on issues impacting people seeking asylum also includes convening the Catholic Alliance for People Seeking Asylum (CAPSA), which for the past 10 years has called for the fair and humane treatment of people seeking asylum in Australia.

We are gravely concerned that passing this Bill could have a serious and irreversible impact on the wellbeing and safety of refugees and people seeking asylum. Our key areas of concern are outlined below.

1. *The Bill could place people at further risk of harm*

People who seek protection in Australia do so because they fear harm to themselves and their families and, often, as a last resort. The decision to leave their country of origin and seek protection elsewhere is not made easily or without risk. Australia enables onshore protection applications to be made and, once protection is granted, can be a safe place for people to rebuild lives that are productive and fulfilling. By expanding Ministerial powers to overturn protection findings and send people to third countries, the Bill puts a roadblock in this path. Every person should have the right to a fair legal process under Australia's legal system, and every person must be protected from harm or persecution.

2. *The Bill could permanently separate families, with long term consequences for families and children*

Families and individuals seeking protection in Australia are often traumatised from their experiences, and this can have intergenerational impacts. Australia's humanitarian program appropriately recognises [family reunification as a priority for resettlement](#). The Bill would contradict this priority by separating families, jeopardising the wellbeing of individuals, including children, who have sought safety here.

3. *The Bill expands offshore detention*

Australia's policy of offshore detention has caused significant harm since its beginning. It compounds trauma for people who have already faced serious risk or harm. This has been extensively evidenced through formal inquiries, reports and accounts that demonstrate the long-term and often permanent consequences to the physical health, mental health and wellbeing for people detained offshore.

In addition to the human cost of offshore detention, the financial cost to Australia is significant. Further substantial costs are incurred with health and psychosocial support services needed to manage the long-term impacts of those held in third countries. Offshore detention costs Australia around [\\$423,000 per person per year](#), compared to [\\$3,962](#) for a person seeking asylum to live in the community. The cost of the continuation and expansion of offshore detention should be redirected to resource other much needed services as part of a more humane migration policy.

4. *The Bill infringes on personal liberty*

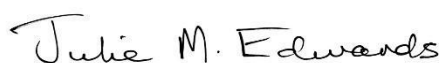
The reinstatement of monitoring conditions proposed in the Bill, including ankle bracelets and curfews for people seeking asylum who are living in the community, means the government can use harsh measures that the High Court recently ruled unlawful. A person released from detention should be allowed to live in the community without these infringements on personal liberty and movement.

5. *The Bill allows the government to ignore its international obligations*

The Bill, if passed, would undermine the government's commitment to human rights standards, including under the Refugee Convention, the International Covenant for Civil and Political Rights and the Convention on the Rights of the Child. This includes obligations in relation to the right to non-refoulement, as well as the right to a fair legal process. Some existing policies that the Bill seeks to expand, including offshore detention, have already been recognised internationally as contravening our human rights obligations. Australia is a prosperous and otherwise welcoming country. We have the ability, but also the responsibility, to offer safety and protection to people fleeing danger and harm.

Jesuit Social Services calls on the Senate Committee to recommend that the Bill not be passed.

Yours sincerely,



Julie Edwards
Chief Executive Officer