

## ACTION ALERT AA 22-4: IMMIGRATION DETENTION

*As Quakers we seek a world without war. We seek a sustainable and just community. We have a vision of an Australia that upholds human rights and builds peace internationally, with particular focus on our region. In our approach to government, we will promote the importance of dialogue, of listening and of seeking that of God in every person. We aim to work for justice and to take away the occasion for war.*

August 2022

*The future of the Australia Government's policies on refugees and asylum seekers is ripe for review under a new government. In particular, the system of immigration detention has become a serious threat to Australia's international reputation, as well as causing endless suffering to those detained and their families and friends. This Brief draws attention to the latest move to change the policies through legislation.*

### Background

- There remain around 1400 people in immigration detention in Australia, and a further 200 in off-shore detention.
- Australia has been condemned by many international reports – by UNCHR in 2018, the Special Rapporteur on human rights and migrants in 2017, the Special Rapporteur on Torture in 2015 and 2017, UNHCR in 2017, and the UN Human Rights Committee in 2013.
- The Refugee Council of Australia (RCOA) wrote to Anthony Albanese on his election as Prime Minister in late May, expressing the urgency for the government to expand the refugee and humanitarian program, review immigration detention, and support the work of UNHCR.
- Australian Quakers have made numerous representations to the government, including the following letter to the PM in September 2020 - *We regret that government policy, regardless of which political party is in power, has become so harsh, and that asylum seekers are subject to arbitrary punishment that is contrary to international refugee standards to which Australia is obligated. We believe that most Australians would like to see a change in this situation.*

### New Legislation

Andrew Wilkie MP reintroduced to Parliament on 1 August 2022 a bill entitled the *Ending Indefinite and Arbitrary Immigration Detention Bill 2022*. The Bill lapsed at the end of the previous Parliament. In his second-reading speech about the Bill, Andrew Wilkie made the following points:

- The Bill abolishes unlawful mandatory detention of asylum seekers and refugees, in favour of community alternatives to immigration detention.
- It ensures full access to housing, financial support, the right to work, education, health care and other government services as required under international law.
- It specifies conditions under which someone can be detained, disallows long-term detention, and ensures detainees access to information.
- Every decision is subject to independent oversight and promote review.
- The Bill complies fully with international law concerning refugees, human rights, and the Rome statute against indefinite detention.
- Of the over 400 submissions from the public to the Joint Standing Committee on Migration which looked at the Bill in the previous Parliament, the overwhelming majority supported the Bill, including UNHCR, the Asylum Seeker Resource Centre, Amnesty, Rural Australians for Refugees, and other concerned Australians.
- The costs of offshore detention have amounted to \$10b since 2013 – the cost of detaining the Biloela family alone was \$7m.
- Instead of focusing on border security, Australia should be seeking ways to set up centres in Asia-Pacific countries to allow an orderly response to asylum seekers consistent with UINHCR principles and practices.

The Bill was seconded by Kylea Tink MP who reinforced the point about the enormous cost of the present system of immigration detention. In an explanatory note attached to the Bill, it was made clear that (a) immigration detention must adhere to international human rights, including freedom of movement, no arbitrary detention, liberty and security; (b) alternatives to detention are based on living in the community with only restrictions applicable to individual cases, and based on UNHCR guidelines; (c) children must not be separated from family; (d) detention centres are to be monitored by an independent body; and (e) decisions can be reviewed by the Administrative Appeals Tribunal.

## Action

The Bill will be debated in the House of Representatives at the next sittings in early September. [www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bld=r6888](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r6888)

Approaches in support of the legislation can be made to the following via the Parliament House website [www.aph.gov.au](http://www.aph.gov.au) (e.g [andrew.wilkie.MP@aph.gov.au](mailto:andrew.wilkie.MP@aph.gov.au); [senator.mckim@aph.gov.au](mailto:senator.mckim@aph.gov.au))

- [Clare O'Neil MP](#), Minister for Home Affairs.
- [Andrew Giles MP](#), Minister for Immigration, Citizenship and Multicultural Affairs.
- [Karen Andrews MP](#), Shadow Minister for Home Affairs.
- [Dan Tehan MP](#), Shadow Minister for Immigration.
- [Senator Nick McKim](#), Greens spokesman on Home Affairs and Immigration.
- [Andrew Wilkie MP](#), Independent member for Clark, Tas.
- Approaches can also be made to MPs and Senators in your own areas. QPLC welcomes feedback about action taken and other ideas for supporting this move to reform immigration detention.

Canberra

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