

ACRT briefing on the *Migration Amendment (Removal and Other Measures) Bill 2024*

The Australian Churches Refugee Taskforce is an initiative of the National Council of Churches in Australia, founded in 2013. The board comprises 15 members from 13 different Churches and ecumenical bodies, many of whom work in refugee and asylum seeker services. The taskforce has over a decade of experience advocating for the rights of refugee and asylum seekers rooted in Christian faith and values. This briefing is intended for Church members and wider community members to better understand the Albanese Government's recently proposed migration Bill and be encouraged to take action.

Over the past three decades, Australian political leaders from both major political parties have vilified and demonised refugees in an attempt to convince the public that whoever can stop people coming is the strongest. The ACRT rejects the use of refugees and asylum seekers, some of the most marginalised people in our global society, in this inhumane manner, and is deeply concerned that the latest proposed legislation on migration furthers this approach.

The proposed Migration Amendment (Removal and Other Measures) Bill.¹

In the last sitting days of the Parliament in March, the Albanese Labor Government attempted to push laws through Parliament (the Migration Amendment (Removal and Other Measures) Bill 2024) that would;

- Give new powers to the Minister for Home Affairs to direct non-citizens to facilitate their own removal
- Impose a mandatory minimum one-year prison sentence, with a maximum of 5 years, for immigration detainees who do not cooperate with attempts to deport them, and imposing a fine of up to \$94,000 AUD.
- Give the Minister for Immigration the power to ban visas being issued to certain countries in the 'Ban list'.

The Federal Government attempted to rush through the legislation, demonstrating a lack of opportunity for dialogue and consultation. The Coalition, Greens and Crossbench members teamed up in the Senate to delay the passing of the legislation. It has been sent to a Committee of Enquiry for further work.

¹ the *Migration Amendment (Removal and Other Measures) Bill 2024*.

According to the [Human Rights Law Centre](#), the Bill presents various concerning changes to the way refugees are treated.² The newly proposed offence for non-compliance with a direction will further criminalise refugees and may compound indefinite detention, even if those individuals genuinely fear harm or are otherwise medically unable to cooperate with their removal. Such directions can also be ordered irrespective of the impact of family members, contributing to the separation of families. Moreover, the proposed power to ban issuing visas to certain countries significantly expands the Minister's powers without adequate safeguards and allows Australia stop refugees from entering the country, contrary to our international obligations.

The Bill comes as the most recent legislation response to the High Court ruling *NZYQ*³ that found that indefinite immigration detention is illegal for those who cannot be returned to a third country.

The decision in *NZYQ* is remarkable in a number of ways - not least the response it has generated. It set aside the previous decision of *Al-Kateb in 2004* which ruled that indefinite detention was not against Australian law. For those who had been found to have refugee status but had their visas cancelled because they had committed a crime, it was illegal to keep them detained after their period of sentence.

Through a Christian lens

As Christians we return to our faith tradition to critique what is happening. The whole biblical tradition is about helping the vulnerable. Jesus spoke often about a new world order that he called the kingdom of God. In sharp distinction to the Roman empire with power and privilege in the hands of the few and the lepers, mentally ill, landless, disenfranchised treated as expendables living in a parlous situation. Jesus talked about turning this world upside down – in his narrative this was right-side up. This was a vision in a long line of prophets like Amos in last Sundays reading who railed at the rich who lived with summer palaces and slept on fine linen while leaving the poor in destitution.

For us this is the lens through which we are challenged to view the world – where each person's life is precious – someone from Somalia or Iraq or Burma no less important than an Australia or English or American person. And we share one home one community so the common good must inform our consciousness and decisions.

For asylum seekers we let their troubles touch us like the good Samaritan and we listen to the exhortations in places like the book of Deuteronomy where Yahweh tells the people

² https://www.hrlc.org.au/reports-news-commentary/2024/03/26/indefinite-detention#_ftn14

³ *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs and Another* [2023] HCA 37

when you are harvesting the olives leave some behind for the strangers (the asylum seekers) to come behind you and get something to eat.

Right now there are so many asylum seekers who are destitute – families with small children, men with severe mental health problems, women who are by themselves as a result of domestic violence .. one's heart is easily touched. They are being further traumatised by this current legislation before the Senate.

Taking Action

1. **Making a Submission** to the Committee on the Senate Inquiry and uploading it online through the platform accessible here: [Senate inquiry](#)
2. **Letter to the Minister**
You can write a firm but respectful letter to your Federal MP and the Minister for Immigration opposing the proposed Bill:

The Hon Andrew Giles MP
Minister for Immigration, Citizenship and Multicultural Affairs
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

You can find the contact details of Senators and Federal MPs using this search tool: [Senators and Members – Parliament of Australia \(aph.gov.au\)](#)

3. **ASCR Email your senator Campaign:** [URGENT: Stop Labor's Entry Ban and Deportation Bill \(asrc.org.au\)](#)

Further resources and Submission guides:

You can learn more about the proposed Bill at the following links:

- Kaldor Centre: <https://www.unsw.edu.au/news/2024/03/Kaldor-Centre-statement-deportation-bill>
- HRLC Explainer: <https://www.hrlc.org.au/reports-news-commentary/2024/03/26/indefinite-detention>
- Refugee Council of Australia: <https://www.refugeecouncil.org.au/migration-amendment-removal-and-other-measures-bill-2024-an-explainer/>
- Amnesty International explainer: <https://www.amnesty.org.au/migration-amendment-2024/>
- Asylum Seeker Resource Centre **Submission Guide:** [Submission Guide - Entry Ban and Deportation Bill.docx.pdf - Google Drive](#)
- Asylum Seeker Resource Centre FAQs: <https://asrc.org.au/2024/04/04/faqs-on-deportation-and-entry-ban-bill/>

- ABC News: <https://www.abc.net.au/news/2024-03-26/what-is-in-the-governments-unexpected-immigration-bill/103633726>

For information about the Bill and the Senate Committee go to:

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/MigrationAmendment24