



Public Affairs Commission

ANGLICAN CHURCH OF AUSTRALIA

Submission of the Public Affairs Commission of the Anglican Church of Australia to the Senate Committee Inquiry into the Migration Amendment (Removal and Other Measures) Bill 2024

Preamble

1. This submission is made by the Public Affairs Commission (PAC) of the Anglican Church of Australia (ACA) in response to the Senate Committee Inquiry into the Migration Amendment (Removal and Other Measures) Bill 2024
2. The PAC is a body set up, amongst other matters, to respond to aspects of public affairs as referred by the Primate, Standing Committee or General Synod of the ACA or initiated by the PAC. The views expressed in this submission are only the views of the PAC and should not be taken to reflect the opinion of the ACA, the Primate, the Standing Committee, or any of the Dioceses.

Submission

3. We are grateful to the members of the Senate Legal and Constitutional Affairs Committee for the opportunity to respond to the Migration Amendment (Removals and Other Measures) Bill 2024 (the Bill).
4. We strongly oppose the Bill in its entirety.
5. We hold that it is clear that there is no need for the Bill — the Minister for Immigration already holds the power to remove people and the capacity to facilitate deportations.
6. This Bill appears to have been introduced into Parliament in an unseemly rush instead of via constructive collaboration across party lines. This is deeply concerning as a matter of public policy and militates against the search for humane solutions.
7. The Bill has been rightly and widely criticised for its “God-like” powers by banning citizens of entire countries from applying for Australian visas, including study, travel and business visas. For Christians the term “God-like” connotes compassion rather than such unprecedented and capricious callousness.
8. It is an indictment of the Australian Labor Party that they have sought to rush this Bill while simultaneously renegeing on their election promises to treat refugees and people seeking safety more fairly and compassionately.
9. In [2021 Labor](#) committed to reinstating “an independent Refugee Review Tribunal” and to abolishing “the Immigration Assessment Authority”, with the Tribunal “to allow for

procedurally fair, simple, affordable and accessible processes and procedures, including in relation to adverse credibility findings, for the review of refugee related decisions” (p.124). While we welcomed the recent announcement of the forthcoming Administrative Review Tribunal, the associated legislation fails to provide procedural fairness. For example, the legislation fails to provide any recourse for the thousands who have received unfair decisions by the Immigration Assessment Authority. The current Migration Amendment (Removals and Other Measures) Bill 2024 will adversely impact many of these vulnerable people. The Labor Government’s Bill clearly exposes people, whose protection claims Labor acknowledges have not been fairly assessed by the Immigration Assessment Authority, to refoulement and persecution.

10. A significant number of people who will be impacted by this Bill if it becomes law are those currently in indefinite detention who have had their claims refused through the so-called “Fast-Track” asylum assessment process, which was implemented by the Coalition Government in 2013. The Bill is widely regarded by organisations supporting refugees and their human rights as a knee-jerk reaction to the case of an Iranian man, known as “ASF17”, who is at the centre of a new High Court challenge. This human being has been detained for over a decade after his claim for safety was rejected under “Fast Track”. This Bill has the appearance of being conveniently introduced just weeks before the High Court hears his case.
11. The [2021 Australian Labor Party National Platform](#) describes the Fast Track process as one that “does not provide a fair, thorough and robust assessment process for persons seeking asylum” (p.124). We are compelled to ask why the Labor Government is further penalising vulnerable people whose claims are yet to be justly assessed, which the Australian Labor Party formally recognised at a national level in 2021. We call upon the Labor Government to instead introduce or support legislation that upholds its election promises for fairer and more humane treatment of refugees and people seeking asylum.
12. It is also an indictment of the Labor Government that it would so grievously breach the Refugee Convention; for example, its international obligations under Article 33 by forcing a non-citizen to apply for a passport from their persecuting country of origin and coercing them to return (known as “refoulement”). In its [2021 Australian Labor Party National Platform](#), Labor, under now Prime Minister Anthony Albanese, committed to “procedural fairness ensuring our international human rights obligations are met” (p.123), and we hold Labor to account for this promise.
13. The Bill callously criminalises the seeking of safety by giving the Minister for Immigration the power to intimidate a person to comply with being deported such that even if the person cannot comply they will be criminally charged and be served with a mandatory minimum one-year jail sentence — serving up to five years imprisonment — as well as a possible fine in excess of \$90,000. We understand that this applies to people who cannot comply because they have legitimate claims for protection from persecution or have grave medical grounds.
14. A devastating consequence of this is that if the Bill becomes law, it would likely mean indefinite detention, following mandatory imprisonment, for those who are unable to return to their country of origin because of the threat of harm or being medically too unwell.
15. It is the role of the judicial system, not the government, to punish people who commit crimes. This ‘separation of powers’ exists for a reason, and seeking asylum is legal — it is shameful that the Labor Government needs to be reminded of these two elementary facts in a Senate inquiry submission.
16. If it becomes law, the Bill would also impact some of those who have been transferred from Nauru or Papua New Guinea to Australia. It is unconscionable that people who have been forced to endure Australia’s notorious offshore processing regime for up to a

decade now face the possibility of being refouled to severe persecution, and possibly torture or death.

17. If it becomes law, this Bill would also permit refugees to be deported to third-party countries, including countries where they have no connection, leaving them at risk of harm and destitution.
18. It is also egregious that if it becomes law the Bill would permanently rip families apart, with the Minister being able to intimidate a person to comply with being deported regardless of the impact it would have on their spouse or children. Families would also be separated through what has been widely called a “Trump-like” travel ban.
19. We argue that the Bill is racially prejudicial and xenophobic, targeting countries such as Iran, Iraq, Zimbabwe, Russia and South Sudan through its “Trump-like” ban. These nations are among other countries, yet to be named by the Labor Government, that do not accept the forcible removal of people, for example, due to an agreement with the United Nations.
20. The Anglican Church of Australia is blessed with hundreds of South Sudanese Anglicans who are former refugees. Their number includes the beloved Bishop Daniel Abot who [bravely served](#) with the United Nations in an honorary capacity to help broker peace in South Sudan, as well as priests, deacons and parishioners. As [Bishop Daniel](#) so eloquently puts it:
21. “I found safety after three long desert journeys and 15 years in refugee camps. Others seek safety by sea or by airplane. However, our plight is the same. Our right to live in safety, freedom and peace is the same. Our need to rebuild our lives is the same...People have fled their homelands to live in peace and freedom for millennia. As a Christian, I have read in the Gospel of Matthew (Chapter 2) about how even Mary and Joseph fled Bethlehem for Egypt to protect their son, Jesus, from persecution. I am grateful for the generosity, warmth and kindness Rachel and I received when we came here. The many good people I have met in my new Queensland homeland want refugees to be treated with respect and compassion.”
22. We are especially concerned about the impacts of this Bill on our South Sudanese congregation members who have rebuilt their lives in freedom and safety and actively serve their local communities. We are inspired daily by their resilience, generosity, courage and graciousness, as we are by other refugees within our wider diocesan community, whose freedom and safety the Bill jeopardises.
23. The church community is but one within Australian which has benefited in a plethora of ways through their God-given gifts and talents. The continued passage of this Bill undermines the brave and sacrificial work of migrants who have fled their home country after peacefully and bravely defending basic gender and other rights.
24. We call upon the Labor Government to withdraw this rushed, unnecessary, flawed, callous and discriminatory Bill, and we commend all those in Parliament who support the same. We call upon the Labor Government to provide humane pathways for all those whom the Bill, if it becomes law, would persecute, and instead introduce and support legislation that upholds its National Platform and election promises.

Yours faithfully,

Rt Rev Dr Matt Brain

Chair

Public Affairs Commission

18 April 2023