



## **Write To Be Heard – urgent action to stop Asylum Legacy Caseload Bill**

The Government's Asylum Legacy Caseload Bill has been introduced to the Senate and could be voted on as early as today. If passed, it will have a devastating impact on some of the world's most vulnerable people.

The legislation will:

- Give the Minister for Immigration extraordinary powers during interception and turnback operations while limiting review by the courts or Parliament.
- Reintroduce harmful Temporary Protection Visas and remove pathways to permanent protection, condemning people to constant uncertainty.
- See asylum seekers 'fast tracked' through the visa application process where they will have to navigate complex legal systems without support or legal advice.

Other measures will replace the internationally-accepted definition of refugee status with the Government's own interpretation. Even the Parliament's Human Rights Committee, chaired by Liberal Senator Dean Smith, says the Bill breaches Australia's core human rights commitments.

The Write To Be Heard campaign is asking you to urgently contact cross-bench, Greens and Labor Senators and let them know the Bill is unacceptable.

### **What to do**

1. Contact the key cross-bench Senators in your State

#### **New South Wales**

David Leyonhjelm (Liberal Democratic Party) 02 6277 3054 and [senator.leyonhjelm@aph.gov.au](mailto:senator.leyonhjelm@aph.gov.au)

#### **Queensland**

Glenn Lazarus (Palmer United Party) 02 6277 3204 and [senator.lazarus@aph.gov.au](mailto:senator.lazarus@aph.gov.au)

#### **South Australia**

Bob Day (Family First) 02 6277 3373 and [senator.day@aph.gov.au](mailto:senator.day@aph.gov.au)

Nick Xenophon (Independent) 02 6277 3552 and [senator.xenophon@aph.gov.au](mailto:senator.xenophon@aph.gov.au)

#### **Tasmania**

Jacqui Lambie (Independent) 02 6277 3063 and [senator.lambie@aph.gov.au](mailto:senator.lambie@aph.gov.au)

## Victoria

Ricky Muir (Motor Enthusiasts' Party) 02 6277 3040 and [senator.muir@aph.gov.au](mailto:senator.muir@aph.gov.au)

## Western Australia

Zhenya Wang (Palmer United Party) 02 6277 3843 and [senator.wang@aph.gov.au](mailto:senator.wang@aph.gov.au)

2. Ask to talk to the Senator, their policy advisor or assistant and say:

I am calling to request that you, as my representative in Federal Parliament, vote against the *Migration and Maritime Powers Amendment Legislation (Resolving the Asylum Legacy Caseload) Bill 2014*.

You can use the following arguments to bolster your case. They include alternative policy positions that can be taken.

### Asylum Legacy Caseload Bill key points

#### **1. Bar on refugees accessing permanent protection**

- a. The re-introduction of the TPVs also comes with a condition that a refugee on a TPV can only ever re-apply for a TPV.
- b. I believe that after the initial period on a TPV, a person should be able to apply for permanent protection, as history shows that almost 90% of people on TPVs were given permanent protection because the situation in their homes countries did not improve and they continued to need protection.
- c. Without a genuine pathway to permanency, the children released from detention will face the remainder of their childhood and their entire adult life in limbo. They will not be able to travel, to study without paying high fees (as there will be no access to HECS-style loans) or ever be able to reunite with their family members who are in dangerous places.
- d. The alternative: make permanent Protection visas available after the initial TPV.

#### **2. New fast track system**

- a. The separate review system for certain asylum seekers – and one that removes fair review options – would be unjust, unfair and inefficient.
- b. I am concerned that the fast track system will mean that already vulnerable people who have faced trauma before they arrived here and have been waiting in uncertainty (some for years) for Australia to process their claims for protection will now have to navigate an inflexible system without the support of a migration agent or lawyer, as the Government has removed access to affordable advice.
- c. I believe that the creation of the Immigration Assessment Authority as a separate review body for fast track applicants is aimed at reducing applicants' access to a fair and independent review of the Immigration Department's assessment of their refugee claim. We already have an existing review body (the Refugee Review Tribunal), so I do not see any reason for the introduction of a separate review system that will not permit asylum seekers a hearing or interview.
- d. I am concerned that it is inherently unfair for officials of the Immigration Department to decide whether or not a decision of the Department should be reviewed under this arrangement.

- e. The alternative: people can be assessed under the current system.

### **3. Re-defining who is a refugee**

- a. I am worried that by creating its own definition of who is a refugee (and therefore, who gets Australia's protection), Australia is going to upset the international protection system at a time when there are more people being forced from their homes than since World War II.
- b. The changes to the definition of refugee would create unreasonably high thresholds for accessing protection in Australia and would increase the risk of people with genuine protection needs being returned to danger.
- c. They will also allow (and, in some cases, require) government officials to remove people from Australia without considering our obligations to not return someone to a place where they face persecution or danger.
- d. The alternative: maintain the definition of refugee as currently set out in the Migration Act.

### **4. Classifying children born in Australia as asylum seekers who arrived by sea**

- a. I am troubled that babies born in Australian hospitals would be classified as "unauthorised maritime arrivals" because their parents arrived by sea and sought protection.
- b. There are approximately 100 Australian-born children who will not be able to seek protection in Australia or be granted citizenship even though they have Australian birth certificates.
- c. The alternative: permit these babies and their parents to apply for protection here in Australia.

### **5. Capping number of Protection visas**

- a. The proposed change would allow the Immigration Minister power to cap the number of Protection visas granted in any year.
- b. Protection needs will inevitably vary from year to year due to changing conditions in countries across the world.
- c. Capping the number of Protection visas would be like capping the number of rescues that surf lifesavers can make at beaches each summer around Australia.
- d. The cap and resulting delay in the processing of claims of anyone impacted by the cap would leave people in limbo while also undermining the Government's call for speedy processing and resolution of cases.

### **6. Giving the Minister more power to detain people at sea**

- a. The changes to the Maritime Powers Act that give the Immigration Minister extraordinary powers during boat interception operations while also limiting the oversight of the Parliament and the judiciary to know about and examine his actions.
- b. This amendment would give the Minister power to detain people at sea (including in the seas outside Australia's jurisdiction) and send them to other countries or vessels, even without the permission or knowledge of those countries.
- c. Parliament will have no say in these actions nor will judicial review of any decisions be permitted, as the Bill says that "the laws of natural justice do not apply".

Further information about the "Write To Be Heard" campaign is available at [www.ajustaustralia.com](http://www.ajustaustralia.com) and at [writetobeheard@refugeecouncil.org.au](mailto:writetobeheard@refugeecouncil.org.au)