

## **Inquiry into the *Migration Amendment (Evacuation to Safety) Bill 2023***

### **Submission from JRS Australia**

#### **Introduction**

Jesuit Refugee Service (JRS) Australia appreciates the opportunity to make a submission to the Inquiry into the *Migration Amendment (Evacuation to Safety) Bill 2023*.

JRS Australia has a mission to accompany, serve and advocate for and with refugees, people seeking asylum and migrants in situations of vulnerability. We recognise that people may traverse and often straddle these categories. Globally, JRS works with over a million people across 57 countries.

In Australia we worked with over 3,000 beneficiaries in 2021, delivering a record near 30,000 instances of service, as we scaled to meet increased demand for our emergency relief, complex casework, access to legal assistance, sexual and gender-based violence prevention and response, and employment support services.

Our perspectives are informed by JRS' work with refugees, people seeking asylum and migrants experiencing vulnerability in Australia and overseas. This includes people who have spent many years in detention in Nauru and Papua New Guinea (PNG) and have been medevaced to Australia on temporary visas. We bear witness to the devastating trauma which they endure as a consequence of their horrific experiences in 'offshore detention' contexts and their restrictive circumstances and enduring limbo in Australia.

We make the following brief submission based on our experience of working with directly affected people, both as service beneficiaries and colleagues.

#### **Comments on the Bill**

JRS Australia strongly supports the Bill's mandate to transfer people from Nauru and PNG to Australia due to the ample evidence of severe and enduring harm to children and adults from their devastating experiences in offshore detention contexts and their experience of protracted uncertainty as to their futures.

We also strongly support the Bill's provision that people transferred from PNG and Nauru to Australia are not returned to an 'offshore processing country' under s 198AD of the *Migration Act 1958*. Based on our experience with people affected by detention in Nauru and PNG, the consequences of return would be utterly devastating for them.

We also welcome the rigorous Ministerial reporting provisions set out in the Bill as an important mechanism for ensuring accountability and transparency, particularly in light of the extreme limitations on public accountability in this area of policy to date.

Further to our strong support of the Bill, JRS Australia makes the following observations:

- **Support while in Australia:** The Bill obliges the Minister to arrange appropriate medical or psychiatric assessment and treatment for people brought to Australia. We support this provision and note that legal and financial support will also often be required.
- **Resettlement in Australia:** The Bill provides for transfer to Australia only for the purpose of resettlement to a country other than Australia. We note that the requirement to resettle to a third country continues to generate significant anguish amongst some affected people, for whom a further relocation is not contemplable. We believe that resettlement in Australia ought to be an option for people transferred from PNG and Nauru for whom relocation to a third country would pose a clear risk of further harm. This would be in keeping with a more compassionate approach, enabling people who have demonstrated extraordinary resiliency and endured terrible trauma to commence rebuilding their lives without further upheaval.
- **Education while in Australia:** People medevaced from Nauru and PNG who are over the age of eighteen have had their permission to study revoked. This has resulted in young people being denied access to tertiary education, including where they have obtained scholarships and have commenced their studies prior to turning eighteen. We have observed the acute distress experience by affected people and urge the cessation of this harmful practice.
- **Future offshore transfers:** The Bill does not prohibit other people arriving in Australia by boat from being sent to a 'regional processing country' in the future. The cruel and punitive nature of detention in Nauru and PNG and the harm that it inflicts on people held under such conditions are well known and should never be part of Australian policy.
- **Persons against whom 'adverse security assessment' is made:** Under the Bill, persons against whom an 'adverse security assessment' is made by ASIO cannot be brought to Australia. The Bill provides that the Minister must inform these individuals in writing that they will not be brought to Australia because of an adverse security assessment. But the Bill does not provide for these individuals to be given information based on which the adverse security assessment was made, nor an opportunity to appeal such an assessment, denying them procedural fairness.

JRS Australia recommends that the *Migration Amendment (Evacuation to Safety) Bill 2023* be passed and hopes that our further observations will be noted. We would be very pleased to provide further information in support of the Inquiry.