

Chairperson's Report 2023-2024

As we met at last year's AGM on 8 November 2023, we heard that the High Court had just made orders in the NZYQ case that detention – including administrative detention of non-citizen refugees and asylum seekers - is a form of punishment and can usually only be inflicted on a person by a court once they are found guilty of a crime.

Much of our time and effort in the intervening 12 months has been directed to a series of rushed and heavy-handed responses by the Australian government to the High Court ruling in NZYQ, which would:

- give the Minister unprecedented, 'god-like' powers
- criminalise asylum seekers and refugees
- risk returning people to harm contrary to our UN Refugee Convention obligations
- lead to family separation
- further harm social cohesion while pandering to fear, xenophobia and racism.

Consequently the Justice for Refugees SA Management Committee has been very busy over the past 12 months in its advocacy work. Our focusses have been on three key areas of advocacy:

- Searching out and promoting ways to disrupt and change the current public discourse on refugees and asylum seekers which normalise cruelty and the radical 'othering' of people seeking protection.
- Advocating for the rights and fair treatment of refugees and asylum seekers who are subject to the unfair 'Fast Track' process which applies to refugees who came to Australia by boat on or after 13 August 2012.
- Working towards ensuring study rights are available for all who are languishing on temporary protection visas and Safe Haven Enterprise Visas.

On 19 July 2023, we gathered outside the offices of Mark Butler MP, Amanda Rishworth MP and the Adelaide offices of the Department of Home Affairs to call for more just and compassionate outcome for the refugees and asylum seekers currently living Papua New Guinea, and to mark the 10th Anniversary of former Prime Minister Kevin Rudd's announcement that people seeking asylum arriving by boat will never be settled in Australia and will have their claims processed offshore.

To coincide with this, we wrote to all South Australian Government members and Senators to mark the anniversary and to call for fair and compassionate treatment for refugees and people seeking asylum. We reminded them that coming into government in 2022, Labor promised change. Amongst other things, we called on them to support measures to:

- Ensure that all asylum seekers and refugees from Manus and Nauru living in the Australian community have the right to work, to study, and have access to housing, government income support and medical care.
- Recommit to the UN Refugee Convention by providing fair assessment and appeals processes, and in particular to abolish the flawed 'Fast Track' process and establish a reassessment process for people refused protection under the Fast Track system.

We followed up this communication with a letter to all our South Australian representatives in September 2023, urging them to address the situation of those who have been living in limbo for ten long years, and to end a decade of unnecessary suffering.

In December 2023, we wrote to the Minister for Immigration and all South Australian Ministers and Government members, Justice for Refugees SA Inc. expressing our deep concerns regarding the *Migration Amendment (Bridging Visa Conditions) Act 2023*. We expressed our concerns that the highly politicised and partisan nature of parliamentary and media discourse following the High

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Court's ruling has led to unwarranted confusion and anxiety in the general community regarding the status and nature of the detainees subsequently ordered to be released from indefinite detention following the Court order in *NZYQ v Minister for Immigration*. Given the alarmist and dehumanising rhetoric and posturing that accompanied the *NZYQ*, the rushed legislative response and scant parliamentary consideration before the presentation of the Act, we urgently submit that a reference be made to a relevant Parliamentary Committee to monitor and consider further amendments to the Act's provisions, such as to impose tighter thresholds for the criminal provisions, to allow for a system for proper judicial oversight, to ensure the most restrictive conditions are time-limited and for there to be a scheme requiring periodic review of visa conditions.

In April 2024, J4RSA made a Submission to the Senate Legal and Constitutional Affairs Legislation Committee's Inquiry - Migration Amendment (Removals & Other Measures) Bill 2024, raising our concerns about the legislation and making clear our opposition to the Bill in its entirety and urging Senators to reject the Bill when it came up for consideration.

In June 2024, to mark Refugee Week, we held a very well attended public session featuring Greens Senator Sarah Hanson Young around the theme **Finding Freedom: Seeking Hope**.

In July 2024, Justice for Refugees SA Inc. wrote to the Minister, all South Australian Senators and key Cross Benchers, calling on them to reject the Migration Amendment (Removal and Other Measures) Bill 2024 (the Bill) when it came up for Senate consideration.

Just last month, in October 2024, J4RSA joined the Refugee Council of Australia and about 70 prominent refugee, legal, human rights and faith-based organisations across Australia to write to the Prime Minister and Tony Burke, urging the Government to take immediate action to provide pathways to permanency for all those failed by the former Coalition government's 'Fast Track' system.

We have connected where we can with other refugee advocacy and support networks so that we can join our voices and efforts with theirs to magnify our impact - with Circle of Friends SA, with the Adelaide Vigil for Manus and Nauru, the Refugee Council of Australia, with the Australian Refugee Action Network. We have also done our best to circulate the excellent information and resources available from the Asylum Seeker Resource Network and the Kaldor Centre for International Refugee Law at the University of New South Wales.

I offer particular thanks to **Judith Adams** for her work as our part-time Coordinator, including keeping members informed of campaigns through emails, keeping the website up to date, and providing a link with some of our partner organisations. I thank her for her ongoing work. Thank you to the members of our Management Committee for your continued commitment and work to keep up the advocacy effort for refugees in South Australia.

I also want to thank Meredith Evans and the **Sisters of Mercy** for providing a space for us to meet each month.

Importantly, I thank you, **our members and supporters**, for your continued support and for your action and advocacy. I know many of you have been deeply involved in providing practical assistance to asylum seekers and refugees, and we hope to build on these efforts and to achieve community support for a just and compassionate approach to refugees.

Chris Keating.
13 November 2024