



MEDIA RELEASE

Migration amendment will cut vital lifeline for most disadvantaged

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South Australian refugee advocates have raised concerns about a Commonwealth Bill that would allow the Government to prohibit detainees from having the means to effectively communicate with family and legal representatives. While the Bill will allow for a broad range of items to be prohibited in detention centres, much of the discussion around the Bill centres on the intended prohibition of mobile phones. The Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2020 has passed the House of Representatives and it is anticipated that it will come before the Senate in coming weeks.

Rev. Sandy Boyce, Chair of Justice for Refugees SA, says the proposed mobile phone ban will reduce detainees' access to family members, particularly children in families, at a time in which the COVID-19 pandemic means no one is able to visit the Immigration Detention Centres.

Mobile phone contact is also a vital lifeline for detainees to be in contact with legal representatives and migration lawyers. Without it they cannot exercise their right get timely confidential legal advice.

In June 2018, the Federal Court ruled that the *Migration Act* did not provide any power for the Commonwealth to implement a blanket prohibition on mobile phones in immigration detention, leading the Government to halt its first attempt to legislate a ban. That Bill was strongly opposed by refugee advocates, human rights groups, and legal organisations.

The current Bill is structured to give the Minister for Immigration discretion to prohibit and seize mobile phone and SIM cards, computers and other electronic devices designed to be capable of being connected to the internet, on the basis that these might be a risk to the health, safety or security of persons in the facility, or to the order of the facility. Critics point out that existing provisions of the Migration Act sufficiently allow for examination, search, detention and identification powers to address these risks.

Rev Boyce pointed out that refugees and people seeking asylum are not criminals and should not be treated as such. Detention Centres are not and should not become prisons.

There are already laws in place to bring people to account if there is illegal activity. The police already have the power to search facilities. "Why then do we have this Bill before us?" Rev Boyce asked. "Why are we penalising disadvantaged and desperate people even further? The Bill increases the capacity of the Government to withdraw items that are essential for people to contact families and lawyers."

Justice for Refugees SA is concerned the Bill will create more anxiety for people in detention and their families, and places people at greater risk of mental health issues.

Senator Lambie is seeking public feedback as to how to vote on the Bill, and people are encouraged to fill out her online form: https://www.senatorlambie.com.au/advise_jacqui, or directly contact if in her constituent. As well, people are encouraged to contact other Senators, and especially Senators Rex Patrick and Stirling Griff who have indicated they will oppose the Bill when it reaches the Senate.

Justice for Refugees SA is a non-partisan community organisation working for the just and humane treatment of people seeking asylum in Australia and those who come to Australia as refugees building on Australian traditions of generosity, openness and fairness.

Contact details:

Senator Rex Patrick (SA): senator.patrick@aph.gov.au

Senator Stirling Griff: senator.griff@aph.gov.au

Senator Jacqui Lambie: senator.lambie@aph.gov.au

Justice for Refugees SA:

<https://justiceforrefugeessa.org/>

info@justiceforrefugeessa.org

(576 words)

*Justice for Refugees SA contact (**Not for Publication**): Rev Sandy Boyce, sandyboyce@gmail.com, 0409 283 004*