

Australian government fails to ram through bill to quickly deport non-citizens

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The Australian Labor government today suffered a setback in its bid to again team up with the openly right-wing Liberal-National Coalition to drive through parliament in less than two days a draconian bill that strips refugees, immigration detainees and other non-citizens of fundamental democratic rights.

It was the third such “emergency” bill in four months, but the Coalition today voted with other non-government senators to refer the bill to a Senate legal committee, which will hand down a report on May 7. The Coalition’s only concern was to guarantee that the bill is legally watertight.

The Migration Amendment (Removals and Other Measures) Bill would give the immigration minister arbitrary powers to order non-citizens to sign documents and do whatever else is needed to ensure their rapid removal from the country. Anyone who refused such an order would face up to five years’ imprisonment, even if they genuinely feared death or persecution as a result of being deported.

This legislation marks a further lurch in a right-wing, autocratic direction, spearheaded by Prime Minister Anthony Albanese’s government. It is seeking to outdo the Coalition in witch-hunting asylum seekers and immigrants. This is a poisonous political diversion, seeking to divide working people along national and ethnic lines, in response to the deepening collapse of popular support for the two parties that have ruled since World War II.

Not accidentally, the Labor government brought forward this bill, drafted in advance, suddenly yesterday morning. That was just two days after the Tasmanian state election resulted in neither party being able to form a majority government. The popular hostility to their joint program of war, genocide and austerity has raised the spectre of a similar hung parliament and political breakdown at the national level.

Once again making a mockery of parliamentary democracy, as they did twice last November-December, Labor and the Coalition gagged any pretence of debate, guillotining the “removals” bill through the House of Representatives yesterday in a little over two hours. That

was followed by a farcical two-hour Senate “inquiry” last night, before the Coalition shifted tack to demand more time to ensure the legislation’s effectiveness.

The bill would likely see the quick-fire removal of up to 1,000 non-citizens. That includes some of the 149 freed last November by a High Court ruling after years of unlawful immigration detention, plus an estimated 170 people still in detention facilities, and others living in the community on temporary visas.

The legislation would confront asylum seekers with a diabolical “choice”: return to a country where they may be harmed, tortured or killed, or suffer lengthy imprisonment.

More broadly, the bill sets many reactionary political and legal precedents. Among its other extraordinary features, the legislation:

- Allows the immigration minister to overturn the granting of refugee status to anyone selected for deportation.
- Rules out genuine fear of harm, persecution or other “adverse consequences” as a “reasonable excuse” to refuse to obey a ministerial order to sign deportation-related documents or attend interviews.
- Forces parents to sign deportation documents for their children, regardless of their best interests.
- Imposes mandatory sentences of one year’s imprisonment for failing to comply with a ministerial order, with maximum sentences of five years.
- Gives the government the power to impose Donald Trump-style travel bans, barring entry visas to people from designated ‘removal concern countries,’ with Iran, South Sudan and Russia already suggested as targets.
- Expands what has been dubbed “god-like” ministerial powers to deny or revoke visas without even considering exemption requests.

Backed by the Coalition, in recent months the Albanese government has also recommenced one of the most barbaric features of the country’s anti-refugee policy—the incarceration of asylum-seekers on remote Pacific islands, such as Nauru.

Labor and the Coalition are aligning themselves with the

measures being taken in Britain, across Europe and in the United States, including by the Biden administration, to shut borders to the tens of millions of people fleeing wars and impoverishment. Governments in all the imperialist countries are making refugees scapegoats amid intensifying military spending and social and political crises.

Moreover, the “removals” bill is another flagrant bid to thwart a High Court decision. This is a further warning of the determination of the ruling class and its political servants to override even limited judicial rulings that punitive measures against non-citizens violate the country’s constitution. On April 17, the High Court is due to hear an appeal by a refugee, labelled ASF17, who has refused to cooperate in being deported to Iran, where he fears persecution on sexuality grounds.

In recent weeks, the government has already moved to shut down High Court challenges to the two previous bipartisan “emergency” anti-immigrant bills rushed through last year. The government settled several court cases by lifting restrictions it had imposed on former detainees.

One of those bills inflicted ankle-bracelet monitoring, curfews and other police-state measures on people released from detention after last November’s High Court decision, which ended most indefinite immigration detention. The other bill sought to re-imprison detainees via a new “preventative detention” regime.

There has been a bipartisan and media scare campaign, demonising the released detainees as murderers and rapists. Home Affairs Minister Clare O’Neil publicly accused the High Court of putting criminal “perpetrators” on the streets. In reality, many detainees are traumatised refugees, and all have served any prison sentences they received for earlier convictions.

At the same time, there must be no illusions that the High Court will protect the rights of the detainees or anyone else. For three decades, until last November, the court sanctioned the indefinite incarceration of asylum seekers and other non-citizens denied visas.

Australia’s 1901 Constitution has no bill of rights. Its only limited protection against arbitrary detention is a formal separation of executive and judicial powers. That bars governments from explicitly punishing people without a judicial process, except during wartime.

The “removals” bill has provoked condemnations by refugee, civil liberties and legal groups, including the Refugee Council of Australia, Amnesty International Australia, the Asylum Seeker Resource Centre and the Human Rights Law Centre.

Among their criticisms was that the legislation risked serious non-compliance with Australia’s obligations under the Refugee Convention as well as other international

instruments.

Greens leader Adam Bandt accused Labor of being in a “race to the bottom” with the Coalition on immigration.

In fact, the Keating Labor government in 1992 began the assault, setting the precedent of mandatory detention of all people arriving by boat. Successive Australian governments have continued to pioneer the global attack on the democratic and legal rights of asylum seekers.

The Howard Coalition government of 1996-2007 extended mandatory incarceration into indefinite detention, including on remote islands in the Pacific and Indian oceans. That was taken further by the Greens-backed Rudd-Gillard Labor governments of 2007 to 2013, the Coalition governments of 2013 to 2022, and now the Albanese government.

The attack on refugees and immigrants is part of a broader offensive against basic democratic rights. Repressive mechanisms are being put in place to preserve capitalist rule against the development of mass opposition to war, widening social inequality and deteriorating living conditions.

This social, political and anti-war discontent must be transformed into a conscious international movement of the working class against the capitalist order and its divisive nation-state system. That means building the only party, the Socialist Equality Party (SEP), that opposes the war on refugees and fights for the right of all working people worldwide to live and work where they choose.

The SEP has launched a campaign throughout the working class to regain our official party registration, so that the SEP’s name will appear on ballot papers alongside our election candidates to give voters the basic right to express their support for the socialist alternative to capitalist barbarism, war, inequality and dictatorship.

We urge all our readers and supporters to join the SEP as electoral members using the form below, and to seriously consider applying to become full members of the party.



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