

Thousands could be deported under Australian government's draconian immigration bill

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The Australian Labor government remains intent on pushing a reactionary non-citizen “removal” bill through parliament as quickly as possible despite outrage in immigrant communities and overwhelming opposition by refugee, migrant and human rights groups.

That was clear at a one-day Senate committee hearing on the bill on Monday, even as a flood of 102 submissions exposed the widespread impact of the unprecedented legislation on immigrant families, shattering the government's claims that it would have limited effects.

Testifying in defence of the government's bill, Home Affairs department officials admitted that up to 5,000 non-citizens could face removal from Australia, a figure far higher than the government's earlier misleading statements that fewer than 1,000 people would be affected.

These non-citizens could be given ministerial directives to cooperate with their forced deportation, including by signing or producing documents, or face up to five years' jail, a punishment that human rights organisations stated had no precedent in Australian law.

Home Affairs representatives said the bill could apply to 4,463 people on bridging visas and 150 to 200 people in immigration detention. It could also apply to 152 people released from detention due to a High Court ruling last November that indefinite detention is unconstitutional, and 99 people released before the High Court decision.

This may be another serious underestimate. Testifying before the committee, Human Rights Law Centre senior lawyer Laura John said the victims could include almost 10,000 people who arrived in Australia in 2012 or 2013 and had their refugee claims rejected in a “fast-tracked” assessment process.

The one-day hearing by the Senate legal and constitutional affairs committee was convened after the Labor government failed in its initial bid, just before Easter, to ram the Migration Amendment (Removals and Other Measures) Bill through both houses of parliament in less than 36 hours,

making a mockery of any pretence of democracy.

The Liberal-National Coalition had committed to assist the rapid passage of the bill, but then referred it to the Senate committee to ensure its legal effectiveness. The Coalition's bipartisan support for the bill's repressive content remains.

Despite the outpouring of opposition reflected in the submissions, Immigration Minister Andrew Giles repeated the government's assertions that the legislation was simply needed to close a “loophole.”

During the hearing, Home Affairs department secretary Stephanie Foster doubled down, insisting that the bill was essential. She also revealed that coerced removals were already common—2,184 non-citizens were “voluntarily” deported in 2023, with 90 forcibly removed.

Piumetharshika Kaneshan, a 19-year-old nursing student, told the inquiry she was one of the people who “might be jailed if this bill is passed into law.” She said her family had been “failed by the fast-track” visa assessment process, with their claims of needing protection from Sri Lanka rejected because authorities “said we were safe because of my father” who had now died.

“This bill would put us in jail if we don't go back to Sri Lanka,” she said. “We consider ourselves Australian. We thought the Australian community accepted us.”

In one of the wide range of submissions denouncing the bill, the Migrant Workers Centre said: “Many BVE [bridging visa] holders who may be subject to the Bill have resided within our community for more than a decade. They have built their lives here, and some might have children born in Australia who are now citizens. Irrespective of their visa status, these people are fundamentally part of the community. The prospect of them receiving a removal order and facing incarceration for not self-deporting is profoundly inhumane.”

The bill confers a virtually unlimited power on the immigration minister to coerce any visa holder to assist with their own deportation—and that of their children. Anyone

who fails to obey a directive, which could include facing questioning by officials, faces a mandatory one-year prison term and a \$93,000 fine. They could be jailed for up to five years, and then imprisoned repeatedly if they still did not obey.

These are police-state powers. In its submission, the Kaldor Centre for International Refugee Law stated: “There is no precedent in Australian law for a failure to comply with a direction resulting in mandatory imprisonment—not even in the context of terrorism offences.”

In addition, being a refugee fleeing persecution would not be a “reasonable excuse” for failing to follow a directive. That is a flagrant violation of the International Refugee Convention. Moreover, the minister can overturn a previous finding that a person is a refugee to “whom Australia has non-refoulement obligations.”

The bill would also give the government the power to impose blanket travel bans, barring entry visas to people from designated “removal concern countries.” Those mooted by government sources and the media for listing include Iran, China, Russia and South Sudan.

That has led to widespread dismay in immigrant communities because such bans would have a devastating impact on the many families in Australia from these and any other listed countries, potentially barring them from ever seeing their relatives again.

Not accidentally, the US and its military allies have named these countries as “uncooperative” for not accepting involuntary deportations of their citizens. These allegations and threats of bans are primarily directed against countries that are Washington’s war targets, above all Iran, Russia and China, regarded as the chief threats to its global hegemony.

Most immediately, the bill seeks to keep up to 200 people locked away indefinitely in immigration detention. It is designed to nullify a further High Court challenge, which began its hearing today, by an Iranian detainee who has refused to return to Iran, fearing persecution.

The government is trying to further thwart last November’s High Court ruling, which partially overturned the barbaric three-decade regime, maintained by successive Labor and Coalition governments, of indefinite immigration detention. As a result of that judgment, the government had to release 152 detainees because there was no reasonable short-term prospect of deporting them.

Labor’s measures since November, backed by the Coalition, have already included (1) 24-hour ankle-bracelet monitoring, curfews and other police-state measures imposed on released detainees, (2) a new “preventative detention” regime to re-imprison detainees, and (3) the reopening of the notorious “offshore” detention camp on the tiny impoverished Pacific island of Nauru.

This has been accompanied by the demonising of non-citizens, such as falsely accusing immigration detainees, including refugees, of being murders and rapists, when even those with past convictions have long ago served their prison sentences.

The Australian government, led by the leaders of Labor’s so-called “Left” faction, is matching the most far-right and fascistic elements globally, including Donald Trump, the Conservative government in Britain, the Meloni administration in Italy and the AfD (Alternative for Germany) in witch-hunting and seeking to deport asylum seekers and other “non-citizens.”

Internationally, amid the Gaza genocide and the plunge into wider war in the Middle East, and against Russia and China, there is a drive to divide working people, domestically and globally, and subordinate them to the geo-strategic interests of the major capitalist powers. Refugees and other “foreign” workers are being blamed for the deteriorating social conditions being produced by capitalism’s economic and cost-of-living crisis and the diversion of billions of dollars into military spending.

Three decades ago, the Keating Labor government launched the outright assault on refugees in 1992, when it established the worldwide precedent of mandatory detention of all people arriving by boat. Through this latest bill, the Albanese government is going further in stripping refugees, immigrants and other non-citizens of basic democratic and legal rights.

Against the divisive nationalism being whipped up, workers and youth must come to the defence of refugees and immigrants, the most vulnerable members of the working class, and defend the right of all working people worldwide to live and work where they choose, with full democratic rights.



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