

A historic attack on citizenship rights: Labor blocks entry to Australians interned in Syria

Mike Head
24 February 2026

It is now clear that the Albanese Labor government, urged on by Australia's political and media establishment as a whole, is doing everything it can to prevent the return home of Australian citizens—women and children—who have been incarcerated in primitive concentration camps in Syria since 2019.

This constitutes a historic assault on the core democratic right of citizenship, without which no other political or civil rights can effectively be exercised—including the rights to vote, reside, politically communicate, travel, work and access health, education and welfare services. It takes away the basic right to challenge government decisions, including arbitrary detention without trial.

To strip a person of Australian citizenship constitutes punishment “tantamount to civil death,” according to the High Court, Australia's supreme court, which ruled in 2022 that citizenship cannot be revoked by ministerial decree.

The most immediate targets are 11 women and 23 children—all Australian citizens with valid passports—who were prevented from returning to Australia last week because of alleged various links to killed or imprisoned Islamic State (ISIS) fighters.

The 11 families had left the Al Roj internment camp in northeastern Syria with plans to travel to Beirut and then Australia, only to be turned around 50 kilometres into their journey. Many of the children were born in detention and have known no other life, deprived of essential care and education, resulting in illnesses and deaths.

This month, international observers described conditions in the Al Roj camp as “grim,” “inhumane” and “life-threatening.” Families were crammed in flimsy, dilapidated tents that offered little protection against freezing winter temperatures. Medical care was described as “grossly inadequate,” with families often unable to afford required medicines or transportation to facilities. Experts said the indefinite nature of this detention may meet the international legal standard for torture.

While the Labor government has denied media reports that it directly blocked the repatriation of the women and children by telling Syrian authorities they were unwanted “terrorists,” Albanese has doubled down on his declarations that the government will do nothing to assist them, even if it is

“unfortunate” for the children.

Two days after the group was turned back, Home Affairs Minister Tony Burke imposed a Temporary Exclusion Order (TEO) on one unidentified member of the group, overturning their democratic right, as a citizen, to return to Australia for at least two years, “on advice from security agencies.”

On Sunday, Albanese underscored the government's intent and sought to outdo the previous Morrison Liberal-National Coalition government by telling Sky News that Morrison had allowed 40 people from the Syrian camps into Australia.

This shows how far the Labor leaders will go in tearing up fundamental legal and democratic rights as they vie with their Coalition counterparts to outdo Senator Pauline Hanson's far-right anti-immigrant One Nation party. They are all trying to make immigrants, particularly Muslims, scapegoats for the declining living and social conditions confronting working-class households.

Every day sees this assault taken to a new level. Yesterday, the opposition Coalition demanded that the government join hands with it to make it a criminal offence to help Australians “linked to terrorist hotspots or terrorist organisations” return home. This would even include charities such as Save the Children.

Far from ruling this out, Attorney-General Michelle Rowland said the government would need to check whether the opposition's plan was legally possible. She said any proposed laws would require consultation with “security agencies,” that is, the Australian Security Intelligence Organisation (ASIO).

Last week, the Murdoch media's *Australian* published an editorial insisting that lack of legality should be no obstacle to indefinite imprisonment. If the government could find no legal basis to bar the re-entry of the families, “a way (unspecified) must be found for them to be detained and evaluated for an extended period in a secure facility such as the one that already exists on Christmas Island.” The editorial said the women and children must be “effectively deradicalised before there is any chance they will be set loose on Australian soil.”

Christmas Island, a remote Australian territory in the Indian Ocean, hosts one of the notorious “offshore” detention camps in which successive Coalition and Labor governments have indefinitely incarcerated asylum seekers in violation of

international and domestic law. Now that “black hole” regime is being proposed for Australian citizens who are deemed by a government and ASIO to require “deradicalisation.”

This is a sweeping proposition, embracing some kind of brainwashing. It goes beyond those accused of sympathy for Islamic fundamentalism, without being convicted of any crime. It goes beyond Palestinians and anti-Gaza genocide demonstrators who have been falsely accused of antisemitism.

Such “deradicalisation” language, linked to references to threats to “our way of life” or “Australian values,” can be used to justify barring entry or incarcerating anyone—including Australian citizens—who is designated by a government to be a “radical” enemy of the existing capitalist economic and political order.

Historically, there has never been a constitutionally protected right to citizenship in Australia. In fact, there is no bill of rights guaranteeing any basic right, including the right to vote. Instead, the 1901 Constitution, a British colonial era document adopted by the emerging Australian capitalist class, treated residents as “British subjects.”

That designation continued until after World War II, when the Chifley Labor government introduced the 1948 Nationality and Citizenship Act 1948. Under this legislation, birthright (*jus soli*) citizenship made anyone born in Australia a citizen. That principle was overturned by the Hawke Labor government’s legislation in 1986, which mandated that at least one parent be a citizen or permanent resident.

That marked a historic shift from basing citizenship on birth to requiring allegiance, or “loyalty to Australia,” and supposed shared values, together with a “pledge of commitment” from immigrants. Today that commitment, amended several times, requires new citizens to pledge their “loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect and whose laws I will uphold and obey.”

Yet these “rights and liberties,” as far as they ever existed, are being increasingly torn up.

The right of a citizen to a passport in order to travel, or return to Australia, has been explicitly overridden also. It was never guaranteed by law, instead regarded as matter derived from an ancient royal prerogative. The 1938 Passports Act embodied this doctrine in discretionary language—it said an official “may issue” a passport. In 1955, the High Court confirmed that the immigration minister had an unfettered discretion to refuse a passport on “security” grounds, and that citizens had no absolute legal right to one.

During the Cold War, this arbitrary power was notoriously used to deny passports to citizens like Australian-born journalist Wilfred Burchett—who had exposed the death toll from the US nuclear bombing of Hiroshima and Nagasaki, as well as US war crimes in Korea and Vietnam—and others suspected of communist sympathies.

This political power was extended in 2005. The Australian Passports Act 2005 granted the foreign affairs minister the

explicit power to refuse or cancel a passport if they merely “suspect on reasonable grounds” that a person “would be likely” to engage in conduct that “might prejudice the security of Australia or a foreign country.”

This legislation was introduced by the Howard Coalition government with Labor’s backing as part of an unprecedented barrage of laws overturning basic legal and democratic rights under the cover of the “war on terrorism.”

The right of citizens to return home was further eviscerated by the Temporary Exclusion Order (TEO) legislation, which was imposed in 2019 by the Morrison Coalition government, also with Labor’s support. The TEO Act effectively strips a person of citizenship rights to return home without any court order.

Under that law, the home affairs minister only has to declare a “reasonable suspicion” that an exclusion order would “substantially assist” the prevention of a possible terrorist-related act, or that ASIO had classified a citizen as likely to support “politically motivated violence.” That includes acts directed to “assisting in the overthrow” of a government, which could mean voicing anti-establishment or socialist views.

Far from being “temporary,” TEOs can be renewed repeatedly by ministerial fiat, allowing the indefinite barring of entry to citizens. The TEO legislation denies any right to procedural fairness, that is, the right to notice, a hearing and lack of bias. It also seeks to block judicial review, instead providing for oversight by a “reviewing authority,” usually a government-appointed judge or former judge.

Labor and the entire political and media establishment is lurching ever-further to the right to divert unrest over deteriorating living and social conditions and widening inequality, echoing the anti-immigrant poison of One Nation and its counterparts internationally, such as the Trump administration in the US, Nigel Farage’s Reform UK, Marine Le Pen’s National Rally in France and the AfD in Germany.

The intensifying saga surrounding the women and children trapped in Syria shows that the most basic legal and democratic rights, even citizenship itself, are threatened in the hands of the ruling class and its political servants. The defence of all such rights depends on the development of a mass movement of the working class, guided by a socialist perspective for the total reorganisation of society on the basis of genuine democracy and equality, with full rights for all people, regardless of their country of birth.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact