Australian Labor government expands deportation and visa ban powers

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The Albanese Labor government last week brought into force a new immigration directive that significantly enlarges its arbitrary powers to deport non-citizen residents and also deny or cancel visas on anti-democratic political grounds.

Under Ministerial Direction 123, Home Affairs Minister Tony Burke and immigration officials can now order the deportation of any non-citizen who has been convicted or accused of an offence or is suspected of posing a risk of supporting designated "harmful ideas," regardless of the length and strength of their family ties in Australia.

Visas to visit Australia, including by political figures, also can be denied or cancelled on similar sweeping grounds. Statements deemed to be "antisemitic" are explicitly listed in the directive as a reason for barring entry or removing someone, clearly targeting opponents of the ongoing US-Israeli genocide in Gaza.

To prevent people, including asylum seekers, from appealing against being stripped of their visas, even to the government-appointed members of the Administrative Review Tribunal (ART), the new directive covers ART members, who must decide appeals along these lines as well.

Falsely depicted by the government and the media as necessary to protect people against "criminals" and people inciting "hatred and extremism," Direction 123 is part of the Labor government's wider offensive against immigrants and basic democratic rights.

Immigrants are being demonised, particularly through the Murdoch media outlets, as serious criminals or serial rapists. A November 5 editorial in the *Australian* claimed that the ART had allowed 124 "rapists, pedophiles, drug lords and other serious criminals" to stay in Australia over the past year.

Whatever the truth or otherwise of these allegations, they are a small portion of the visa cancellations overturned by the ART, despite its members being appointed by the government itself. According to the *Australian*, ART decisions overruled 54 percent of visa cancellations that were appealed against.

That itself is an indication of the arbitrary character of the rulings made by the Home Affairs Department and its ministers. Beyond the ART cases, many more visas are already being revoked. The department cancelled or refused 38,827 visas in the 2024–25 financial year, up sharply from 29,074 in 2023–24.

The government-media witch hunt is a warning of blanket deportations of anyone convicted or accused of an offence—even after they already served criminal sentences—irrespective of the impact on their children or families, or their fate once forcibly abandoned in a foreign location.

The directive consists of a new set of instructions to all immigration decision-makers about how to apply the increasingly draconian "good character" visa test in section 501 of the Migration Act.

Direction 123 removes a previous primary consideration of taking into account the length, strength, duration and nature of any family or social links with Australia, and the risk of a person facing death, injury or persecution once they are deported. This means breaching the international and refugee "non-refoulement" laws against removing someone to face harm.

Direction 123 will make it easier to remove a convicted criminal, or someone alleged to have engaged in criminal-related activity, even if they have a partner and children in Australia, or have lived in Australia since they were a baby or infant, or have no family remaining in their assigned countries of origin.

That amounts to double punishment, above and beyond any criminal conviction or prison sentence, and also to dumping unwanted people in unfamiliar, often impoverished, countries without social support.

Beneath the media clamour lies another agenda. That is the tightening of the rules to exclude anyone, notably political figures, accused of supporting hatred or extremism, or having a past or present association with a group defined as a terrorist or hate group.

This is building on the Albanese government's "hate group" laws that allow the minister in charge of the Australian Federal Police to designate by decree and outlaw political parties that allegedly support vaguely-defined "hate crimes" or even "may do so" in the future, and potentially have their supporters jailed.

Direction 123's explicit reference to antisemitic statements is particularly revealing in the light of the government's officially-

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imposed International Holocaust Remembrance Alliance (IHRA) definition of antisemitism.

The IHRA definition conflates opposition to the genocide in Palestine and other Zionist war crimes with antisemitism or hatred of Jews. Among its examples of alleged antisemitism are "claiming that the existence of a State of Israel is a racist endeavour" and "drawing comparisons of contemporary Israeli policy to that of the Nazis."

But the political censorship can go far further, to any person regarded as anti-war or anti-government.

Visas can now be denied or revoked if the home affairs or immigration minister "reasonably suspects" that you are or have previously been involved in any designated activity. In Direction 123, such "serious conduct" includes "behaviour or conduct of concern" that does not constitute a criminal offence.

This activity includes membership or "association" with a prohibited hate group, involvement in a hate crime or making or endorsing a statement that is accused of involving ideas based on hatred of other persons based on race, colour, or national or ethnic origin. An association may consist of a single meeting or communication.

This is in addition to far-reaching visa denial provisions, boosted over the past two decades, such as a risk that a person might "incite discord in the Australian community or in a part of it" or be subject to an adverse security assessment by the Australian Security Intelligence Organisation (ASIO), the domestic political surveillance agency.

Examples given by the Home Affairs Department under Direction 123 include "involvement in activities indicating contempt or disregard for the law or human rights" or "advocacy of conduct that might have the effect of leading a person to engage in conduct constituting a hate crime."

Assertions of a risk of future conduct are included, effectively creating thought crimes. A visa can be denied or revoked "if there is evidence suggesting that there is more than a minimal or remote chance" that the person might engage in specified conduct. Directive 123 notes: "For example, in the course of addressing public rallies."

Likewise, a visa can be blocked if a person "is likely to provoke civil unrest in Australia because of the conjunction of the person's intended activities and proposed timing of their presence in Australia with those of another individual, group or organisation holding opposing views."

In other words, a visa can be denied simply because a politically opposed party or group objects to a visit or threatens to protest against it.

This constitutes a broader threat to free speech and other fundamental democratic rights, including those of all immigrants, asylum seekers and international students.

It is occurring in a definite context. The Labor government is in a bidding war with the Liberal-National Coalition and Senator Pauline Hanson's far-right One Nation to outdo each other in declaring how many immigrants they will deport or bar from entry. They are blaming immigrant workers, students and refugees for the cost-of-living and housing affordability crisis that is devastating working-class households.

In September, Home Affairs Minister Burke unveiled plans to have 700,000 fewer people in the country in 2030–31 than had been forecast before the onset of the COVID-19 pandemic. That virtually matched One Nation's pledge to remove 750,000 people over the next three years.

As a result, immigrant workers and their families, many branded as visa overstayers, face raids on their homes and workplaces, imprisonment and deportation. That is despite widespread opposition to such operations, like the seizure of a Sri Lankan family in the town of Biloela in 2018, and the Trump administration's deadly Immigration and Customs Enforcement (ICE) raids, incarcerations and deportations.

According to official statistics, nearly three million people are in Australia on temporary visas. They make up about one-fifth of the working class, often employed in super-exploited conditions in industries such as agriculture, meat processing, health care, aged care, hospitality, fast food and "gig economy" delivery services.

Those on bridging visas, the most insecure visas, include 93,000 asylum seekers refused visas, many pursuing appeals to the ART or the courts.

Labor and all the other capitalist parties are trying to scapegoat immigrants for the deteriorating social conditions, intensified by the global inflationary impact of the criminal US-Israeli war on Iran, which the Albanese government backed from day one.

From the US to Europe, governments of all political stripes are spewing anti-immigrant poison to divert mounting working-class anger over soaring social inequality, cuts to social programs and the funnelling of billions of dollars into the military, toward the most vulnerable members of society.

The Albanese government is continuing down this path, seeking to divide the working class along national and ethnic lines amid rising working-class discontent and political disaffection, even in the face of the repudiation suffered by the Trump administration in last week's mid-term elections.

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