

Refugee Concern Network

Submission to the Bills Committee on Immigration (Amendment) Bill 2011

Meeting 21 November 2011

The Refugee Concern Network brings together NGOs and church congregations concerned with and involved in service to asylum seekers, refugees and torture claimants.

The Immigration (Amendment) Bill is designed to build a solid wall of refusal against claimants under the convention against torture. It minimizes any potential chinks of hope with vagueness on the one hand and procedural bureaucracy on the other. Where is the statement of basic rights for CAT claimants? Where is the respect for human dignity? Where is there any hope of acceptance above (if you get lucky) a grudging permission to stay (but don't you dare ask for anything else!) This bill oozes prejudice and miserly condescension.

- **Unified system of screening**

We support the establishment of a unified system for the screening of asylum seekers and CAT claimants.

- **Permission to work**

We remain deeply concerned about the continued refusal by the authorities of the right to work for refugees accepted by the UNHCR and for successful torture claimants. Section 37ZV (2) is extremely restrictive so that only a tiny minority of persons will benefit from it.

It is our view that persons who have been granted refugee status and persons whose torture claim has been substantiated should be given permission to work. A number of jurisdictions such as Japan give the right to work to persons allowed to remain in the country on humanitarian grounds. In Switzerland asylum seekers are allowed to work if they have been in the country for five years.

- **Revocation of substantiated torture claim**

Section 37ZL (2) provides for the revocation of a torture claim "if the torture risk giving rise to the claim has ceased to exist due to changes in the circumstances ofthe torture risk state".

We want to know how and on what grounds the authorities will reach their conclusions. In many cases the end of hostilities or changes in government do not result in improvements of a situation. For this reason we think that the person concerned should be given a hearing before a decision is reached and that the testimony of persons knowledgeable of a particular situation should be taken into account.

- **Composition of the Appeal Board**

According to Schedule 1A (6) the appeal board will normally consist of a single member who will decide, often without a hearing. In the absence of checks or reviews we remain very concerned that the high degree of fairness to which appellants are entitled can be guaranteed.

(End)