



FORCIBLY DISPLACED PEOPLE NETWORK

12 April 2014

Senate Legal and Constitutional Affairs Committee

Inquiry into the Migration Amendment (Removal And Other Measures) Bill 2024

The Forcibly Displaced People Network (FDPN) welcomes the opportunity to make a submission to the Senate Legal and Constitutional Affairs Legislation Committee on the *Migration Amendment (Removal and Other Measures) Bill 2024*.

The Forcibly Displaced People Network (FDPN) is the only national LGBTIQ+ refugee-led organisation. Our work is dedicated to advocating for LGBTIQ+ individuals who have been forcibly displaced from their homes due to persecution based on their gender identity, sexual orientation or variations in sex characteristics.

FDPN strongly opposes the proposed Bill, its broad discretionary powers, the criminalisation of people seeking asylum and the risks of breaches of Australia's protection obligations under international law.

As advocates for human rights and justice, we are deeply concerned about the potential negative consequences this legislation could have, particularly on vulnerable refugees, including LGBTIQ+ individuals.

The Bill, if enacted, would criminalise refugees who refuse to cooperate with forced return processes, thereby endangering those who fear persecution upon return to their country of origin. Specifically, the imposition of mandatory jail sentences and fines for non-compliance places LGBTIQ+ refugees in an untenable position, forcing them to choose between returning to potential harm, including death penalty, or facing imprisonment in Australia. Moreover, the Bill places people seeking asylum and refugees at risk of being removed to countries where they face persecution or significant harm, in clear breach of Australia's international obligations.

Additionally, the imposition of travel bans on countries like Iran effectively denies LGBTIQ+ individuals opportunities to live in safety, as they face persecution and even death due to their sexual orientation, gender identity or variations in sex characteristics in their countries of origin. The case of ASF17, an Iranian man who has been held in immigration detention for ten years and fears persecution due to his bisexuality, underscores the life-threatening consequences of deporting individuals to countries where they face persecution based on their LGBTIQ+ status.

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The Bill disregards Australia's obligations under international law by neglecting the protection of vulnerable individuals and exacerbating their already precarious situations. By criminalising non-compliance and extending punitive measures, the Bill sets a dangerous precedent that undermines fundamental human rights principles.

The Bill's provision allowing the Minister for Home Affairs to unilaterally impose travel bans on entire countries, based solely on nationality, is deeply concerning and reminiscent of discriminatory practices. Such measures not only infringe on fundamental rights but also perpetuate systemic discrimination and exclusion.

Furthermore, the Bill fails to consider the best interests of children and families, as it could result in the forced separation of families and the potential deportation of individuals who are primary caregivers of Australian citizen children or married to Australian permanent residents, including those who are LGBTIQ+. This disregard for family unity and the well-being of children risks violating international obligations, including those outlined in the Convention on the Rights of the Child.

In conclusion, the *Migration Amendment (Removal and Other Measures) Bill 2024* poses significant risks to the safety, well-being, and human rights of refugees and people seeking asylum, including LGBTIQ+ individuals. It undermines Australia's international obligations and values of compassion and fairness. Therefore, we urge the Australian government to abandon the legislation in its current form and uphold its commitment to protecting the rights and dignity of all individuals, regardless of their nationality or immigration status.

Once again, thank you for the opportunity to make a submission. If you wish to discuss this issue further, please contact Renee Dixon, FDPN Chair, using the details below.

Renee Dixon

Co-founder, Chair

Forcibly Displaced People Network

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