

# Australia Passes Bill That Allows Government to Indefinitely Detain Refugees and Asylum Seekers

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A new bill recently passed into Australian law will allow the government to detain refugees and asylum seekers indefinitely, a move human rights activists, lawyers and immigration advocates say is unethical and illegal under international human rights law.

The Migration Amendment Bill 2021, voted into law on May 13, will allow Australia to hold refugees in mandatory detention centres indefinitely in cases where a person has had their refugee visa cancelled but cannot be deported because they could face persecution in their home country.

A person may have their visa cancelled for a range of reasons, including security or character grounds.

Immigration Minister Alex Hawke said the new bill promotes human rights because it reinforces the nation's commitment to non-refoulement, which forbids a country from deporting refugees or asylum seekers to their country of origin if they are at risk of persecution.

"This is an important change which will further improve our ability to ensure that we uphold Australia's non-refoulement obligations," he said, according to the Guardian. "It is essential that Australia sends a strong message that we are committed to upholding human rights, and that we remain steadfast in our commitment to these treaties and their underlying principles."

The law currently applies to 21 refugees in Australian detention, according to the Guardian.

The Parliamentary Joint Committee on Human Rights, which examines Australian bills through a human rights lens, said the law poses an array of concerns.

"Without any legislative maximum period of detention and an absence of effective safeguards to protect against arbitrary detention, there is a real risk that detention may become indefinite, particularly where the circumstances in the relevant country are unlikely to improve in the reasonably foreseeable future," the report reads. "Prolonged or indefinite detention ... may also have implications for Australia's obligation not to subject any person to torture or to cruel, inhuman or degrading treatment or punishment."

The Australian Lawyers Alliance, meanwhile, called the law "cruel and unnecessary."

"Locking up people indefinitely will clearly lead to a high risk of self-harm or suicide," said ALA spokesperson Greg Barns in a media release. "It amounts to detention without trial and is a gross breach of Australia's human rights obligations."

Barns added: "The legislation must be revised to remove the government's power to keep people locked up indefinitely with no plan for their future."

The number of days an individual is typically held in Australian detention centres has grown from under 100 in 2013 to over 600 in 2020.

People seeking refuge in Australia are often trying to escape poverty, conflict or persecution.

<https://www.globalcitizen.org/en/content/indefinite-detention-australia-refugee-law/>