



Submission to Inquiry into the Migration Amendment (Evacuation to Safety) Bill 2023

Combined Refugee Action Group (CRAG) is based in Geelong, Victoria, and has a membership of around 700 individuals and community organisations including faith groups, social justice groups, community organisations, political groups and local refugee support groups, across the Corangamite, Corio and Wannon electorates. CRAG advocates for fair and decent policies for asylum seekers and refugees, which are informed by the UN Refugee Convention and Protocol.

We are grateful for the chance to make this submission to the Senate Legal and Constitutional Affairs Legislation Committee regarding the *Migration Amendment (Evacuation to Safety) Bill 2023*. Our members wish to convey their strong support of this Bill to transfer to Australia to all persons currently subject to offshore processing on Nauru and PNG, to reside in Australia until they are provided with a durable third-country resettlement solution.

We believe that it is imperative that the Government undertakes this transfer, and we urge that this occurs within one month of commencement of the legislation.

We have personal knowledge of the extreme and devastating physical and mental trauma suffered by the people held in both Nauru and PNG. We have witnessed people who came to us for safety, spending up to ten years in Nauru or PNG. They have been without satisfactory medical care, without the safety they sought, and without hope of any future.

We have seen families separated, illnesses develop without adequate medical treatment, and minds destroyed by anxiety and fear. People have not had any hope of a resolution to this misery. There have been fourteen deaths, serious abuses and assaults, painful and untreated illnesses, and ongoing relentless suffering. The policies that enable these tragedies to occur go against our society's expectations of fairness, decency, and compassion to those who seek our help.

The following case study outlines the tragedy of one of the young men that we have known over the long years of his time held captive in Nauru:

In 2013, as a teenager, Ali¹ arrived on Christmas Island to ask for our protection. Because of recent policy changes, he was immediately sent to Nauru, even though he had family in Australia.

Ali became ill in 2014, and his condition deteriorated. He was sent to Australia twice for medical treatment and surgery. He was then returned to Nauru. Ali's treating doctors in Australia asked for him to be returned to them for follow-up, but this has never happened.

Over the past ten years Ali has lived with severe and ongoing pain, and the worsening of his medical condition that has never been resolved, despite further treatment in Taiwan. He lives in misery.

Ali was on a list for urgent medical transfer to Australia in 2018, but just before his flight the "Medevac" legislation was repealed. Consequently, Ali remained in Nauru and both his

¹ Name changed to protect privacy and safety.

physical and mental health continued to deteriorate. A year later, he was approved again for medical transfer to Australia, but again the transfer did not occur.

Ali has been told again recently that he will be brought to Australia for medical treatment, but the months go by and still he suffers in Nauru. Ali has had many episodes of self-harm, caused by his constant pain and despair, and now we fear for this young man's life.

“Ali” is just one example of the enormous suffering that is the result of holding people captive indefinitely in offshore processing. There are still around 150 refugees being held against their will in PNG and Nauru who urgently need to have their freedom restored. Fourteen lives have been lost already, and there must not be a fifteenth.

The passing of the *Migration Amendment (Evacuation to Safety) Bill 2023*, and the subsequent evacuation of the remaining men on Nauru and PNG, is imperative. They need to be given the chance of life, health and hope that is their right. They need to be physically and mentally well enough to be able to be resettled and to begin rebuilding their lives.

The Bill is not only consistent with the previously passed “Medevac Bill”, but it is consistent with the written policy platform of the current Government, which contains the following statements:

“Labor will treat people seeking our protection with dignity and compassion and in accordance with our international obligations, the rule of law and core Australian principles of fairness and humanity.”

“Australia must not harm people seeking refuge.”

“Labor will ensure asylum seekers who arrive by irregular means will not be punished for their mode of arrival.”

“Labor believes that whilst these [resettlement] arrangements are negotiated, the Australian Government is not absolved of its obligation to provide appropriate health, security and welfare services to asylum seekers.”

“[Labor will]

- ensure appropriate health, security and welfare services for asylum seekers; and
- improve the medical transfer process, establish an Independent Health Advice Panel to provide medical advice and maintain ministerial discretion in all decision making.”

It is well past time to turn these statements into action. Passing the *Migration Amendment (Evacuation to Safety) Bill 2023* is the right thing to do, and, as indicated by the most recent Federal Election, the majority of Australian citizens expect it.