

ACFID's submission: Migration Amendment (Removals and Other Measures) Bill 2024 Inquiry

ACFID appreciates the opportunity to provide a submission to the Senate Legal & Constitutional Affairs Committee on the *Migration Amendment (Removal and Other Measures) Bill 2024*.

About ACFID

The Australian Council for International Development (ACFID) is the peak body for Australian non-government organisations involved in international development and humanitarian action.

Founded in 1965, ACFID currently has 128 full members and 20 affiliate members operating in more than 85 developing countries. ACFID's members range between large Australian multi-sectoral organisations that are linked to international federations of NGOs, to agencies with specialised thematic expertise, and smaller community-based groups, with a mix of secular and faith-based organisations.

ACFID members must comply with the ACFID Code of Conduct, a voluntary, self-regulatory sector code of good practice that aims to improve international development and humanitarian action outcomes and increase stakeholder trust by enhancing the transparency, accountability and effectiveness of signatory organisations.

OUR VISION

Our vision is Australia acting with compassion and fairness for a just, sustainable and equitable world.

OUR SHARED PURPOSE

Our purpose is to lead, unite and support international development and humanitarian organisations to realise our vision.

ABOUT ACFID

Founded in 1965, ACFID currently has 128 full members and 20 affiliate members operating in more than 85 developing countries. The total revenue raised by ACFID's membership from all sources amounts to \$1.89 billion (2021 - 22), \$773 million of which is raised from over 1.14 million Australians. ACFID's members range between large Australian multi-sectoral organisations that are linked to international federations of NGOs, to agencies with specialised thematic expertise, and smaller community-based groups, with a mix of secular and faith-based organisations.

ACFID members must comply with the ACFID Code of Conduct, a voluntary, self-regulatory sector code of good practice that aims to improve international development and humanitarian action outcomes and increase stakeholder trust by enhancing the transparency, accountability and effectiveness of signatory organisations. Covering 9 Quality Principles, 33 Commitments and 92 compliance indicators, the Code sets good standards for program effectiveness, fundraising, governance and financial reporting. Compliance includes annual reporting and checks. The Code has an independent complaint handling process.

ACFID'S VALUES

INTEGRITY

We act with honesty and are guided by ethical and moral principles in all that we do.

ACCOUNTABILITY

We take responsibility for our actions and are accountable to our stakeholders, and in particular primary stakeholders, for our performance and integrity.

TRANSPARENCY

We openly share information about our organisations and our work with all our stakeholders and the public.

RESPECT

We recognise the value and diversity of all people and are committed to treating others with due regard for their rights, dignity and integrity.

EFFECTIVENESS

We strive to deliver outcomes that bring about positive change in the lives of people living in poverty.

EQUITY

We are committed to overcoming prejudices and disadvantage and promoting fair and just access to resources and opportunities.

COOPERATION

We work with and alongside others in a spirit of mutuality, respecting diversity and difference in the pursuit of common goals.

This Bill would affect civilians which have fled conflict settings where ACFID members are working to achieve meaningful humanitarian and development outcomes. Therefore, ACFID members are exposed to these at-risk settings and equipped to speak to the contexts which would be affected by this Bill.

Recommendation: In endorsing the position of the Refugee Council of Australia, ACFID recommends this Bill does not go ahead.

ACFID endorses the position presented by the Refugee Council of Australia, as an affiliate ACFID member.

Specifically, ACFID has concerns about the powers given to the Minister to designate certain countries as “removal concern countries”, particularly due to the dire humanitarian situations that may accompany these listings. Whilst this process exempts those arriving under the Humanitarian Program, we know that there are significant numbers of people who apply for visitor visas prior to leaving their home country, as granted to Palestinians fleeing Gaza, and Ukrainians.

ACFID believes that the extensive powers provided to the Minister to designate the visa ban or “removal concern countries” do not include adequate transparency or safeguards.

As quoted by the Human Rights Law Centre:

“The broad prohibition on visa applications from almost all nationals of certain countries will stop refugees from entering Australia, contrary to our international obligations. The limited and narrow exceptions in the Bill will not be available to most people seeking Australia’s protection. The Bill also circumvents existing protection findings determined under Australian law, by allowing the Minister to “reverse” those decisions, paving the way for people to be deported to countries where they face persecution or significant harm.”¹

ACFID also emphasises particular concern for the power the Bill gives for the “Minister for Immigration ... to overturn a person’s ‘protection finding’ and deport someone who was previously found to be a refugee.”² As stated by the Australian Human Rights Commission:

“As a party to the [Refugees Convention](#), Australia has agreed to ensure that people who meet the United Nations definition of refugee are not sent back to a country where their life or freedom would be threatened.

Australia also has obligations not to return people who face a real risk of violation of certain human rights under the [International Covenant on Civil and Political Rights \(ICCPR\)](#), the [Convention Against Torture \(CAT\)](#) and the [Convention on the Rights of the Child \(CRC\)](#) and not to send people to third countries where they would face a real risk of violation of their human rights under these instruments. These obligations also apply to people who have not been found to be refugees.

¹ [Explainer: Migration Amendment \(Removal and Other Measures\) Bill 2024 | Human Rights Law Centre \(hrlc.org.au\)](#)

² [FAQs on deportation and entry ban Bill \(asrc.org.au\)](#)

In addition, while asylum seekers and refugees are in Australian territory (or otherwise engage Australia's jurisdiction), the Australian Government has obligations under various international treaties to ensure that their human rights are respected and protected. These treaties include the [International Covenant on Civil and Political Rights](#), the [International Covenant on Economic, Social and Cultural Rights](#), the [Convention against Torture](#) and the [Convention on the Rights of the Child](#). These rights include the right not to be arbitrarily detained.”³

Humanitarian contexts

As the peak body for humanitarian organisations in Australia, ACFID seeks to present to the Committee the realities of the contexts which Australia could under this legislation, ban people from leaving, despite its commitments under relevant international conventions.

Compounding, complex, and long-lasting crises have become the new normal. In 2024, nearly 300 million people around the world will need humanitarian assistance and protection, due to conflicts, climate emergencies and more. The average length of a humanitarian crisis is now 9 years and the average time people are displaced is 17 years. By 2030, we now face a world in which increasing conflict and rising climate-related natural disasters have led to accelerating displacement. By 2030, 60% of people living in poverty will be in fragile contexts.

A growing number of countries globally are affected by protracted crises, resulting in devastating humanitarian impacts requiring scaled-up and long-term responses, placing more pressure on humanitarian organisations.

Humanitarian crises disproportionately affect women and girls, people with a disability, and marginalised groups, including those experiencing discrimination based on age, gender, sexual orientation, religion, or ethnicity. It is estimated that 70 per cent of all women in humanitarian contexts experience gender-based violence, compared with 35 per cent globally.

In the ACFID Humanitarian Reference Group's⁴ submission to the New International Development Policy, it highlighted the following as a key recommendation to the Australian Government:

“Adopt, sign, ratify or accede to key international humanitarian, disaster response, human rights and refugee legal frameworks and norms that protect vulnerable people and prevent and mitigate negative humanitarian consequences, including but not limited to the Global Compact on Safe Orderly and Regular Migration.”

The Global Compact:

“Is based on international human rights law and upholds the principles of non-regression and non-discrimination. By implementing the Global Compact, we ensure effective respect for and protection and fulfilment of the human rights of all migrants, regardless of their migration status, across all

³ [Asylum seekers and refugees | Australian Human Rights Commission](#)

⁴ The ACFID Humanitarian Reference Group is the independent voice of humanitarian agencies in Australia. It is made up of ACFID's members with significant operational involvement in humanitarian response. The HRG works in international humanitarian assistance to share information, strengthen coordination, advocate to strengthen humanitarian response and engage in policy dialogue with DFAT. HRG members work across a range of areas including protracted crises, disaster risk reduction, humanitarian effectiveness, civil-military engagement, and protection.

stages of the migration cycle. We also reaffirm the commitment to eliminate all forms of discrimination, including racism, xenophobia and intolerance, against migrants and their families.”

Case Study: South Sudan

ACFID has chosen to highlight the complex humanitarian crisis in South Sudan given commentary about South Sudan being a “removal concern country.”

According to the United Nations Office for the Coordination of Humanitarian Affairs:

“Conflict and insecurity continue to be significant drivers of people's needs in South Sudan. Sub-national and intercommunal violence, crime, and impunity resulted in widespread displacement and hindered access to vital services. The people of South Sudan, especially women and children, experience a severe protection crisis. Levels of violence, exploitation, and abuse are notably high, including conflict-related sexual violence, gender-based violence (GBV), and growing child protection concerns.

The 2.2 million internally displaced persons (IDPs) represent the world's fourth most neglected displacement crisis. Concurrently, South Sudan grapples with Africa's largest refugee crisis, with over 2.2 million South Sudanese refugees hosted in neighbouring countries.”⁵

There are 1.6 million children predicted to face acute malnutrition in 2024, and 9 million people in humanitarian need.⁶

South Sudan also faces severe climate vulnerabilities, ranking as the second most vulnerable country globally to natural hazards according to the 2024 INFORM Risk Index.⁷

ACFID members have had a long-term presence in South Sudan, working to alleviate the humanitarian crisis which is exacerbated by ongoing regional conflicts and the impact of climate change. ACFID members have worked to provide WASH interventions including access to clean water and basic sanitation, education, food and resources, healthcare and more throughout the population.

ACFID is extremely concerned about the implications of this Bill which would impact South Sudanese seeking protection, and those already in Australia, who would be at risk of deportation to this conflict context and humanitarian crisis.

ACFID urges the Australian Government to recall its obligations to protect civilians fleeing conflict and reiterates its endorsement of the submission provided by the Refugee Council of Australia.

⁵ [South Sudan | OCHA \(unocha.org\)](https://www.unocha.org/south-sudan)

⁶ [South Sudan | OCHA \(unocha.org\)](https://www.unocha.org/south-sudan)

⁷ drmkc.irc.ec.europa.eu/inform-index/INFORM-Risk/Country-Risk-Profile

ACFID would be happy to provide additional clarity on any of the issues raised in this submission. For further information, please contact Naomi Brooks, Humanitarian Advisor at nbrooks@acfid.asn.au