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Indefinite immigration detention**  **The High Court, after a landmark legal challenge to the Australian government’s power to hold people in immigration detention indefinitely, ruled that indefinite immigration detention is unlawful.**    **BACKGROUND**  **Nearly 20 years ago, in a case called Al-Kateb v Godwin, the High Court held that, provided the government maintained an *intention*to eventually remove a person from Australia, they could be held in detention indefinitely until that removal took place.**  **Subsequent attempts to overturn that watershed authority failed. As a result, the time spent by people in immigration detention increased steadily over time.  In our newsletter last month, we stated that the average period spent by people in immigration detention had been 709 days and that 127 people had been in immigration detention for over 5 years.**  **As of 13 November 2023, 80 of these people have been released.**  **Home Affairs has warned that the High Court’s decision could see the immediate release of 92 people. A further 340 might also be freed from long-term detention. The solicitor-general, Stephen Donaghue, submitted that the decision would expose the government to “inevitable” claims for false imprisonment and that some of these claims would be “undefendable”.  We agree with the Editorial in The Saturday Paper of the 11 November which stated:**  ***This was the cruelty on which all other cruelties were built. Every time the detention system failed – and it failed often – it was saved by Al-Kateb. There was no need to clear the camps if the people inside them were not entitled to liberty. There was no need to offer settlement if a person without papers could be simply put in a room and forgotten. There was no need to act with speed or decency if time was immaterial.***    **Immigration Minister Andrew Giles stated:**  ***"What we need to do now we have this decision, which has changed the law of two-decades standing, is to work through it appropriately, doing all the short-term things … those immediate actions to ensure community safety today, while being focused resolutely on ensuring into the longer term we can keep the community safe and uphold the laws of Australia.***  ***We also need to have the opportunity to consider the reasons for which the High Court has handed down the decision last week, and we don't yet have those reasons."***    **Our concern is that many of these men are being accommodated in hotels with no visas.   We have learned that there are 5 or 6 in a hotel in Sydney with no kitchen and no food provided. The men were given $200 on release, which did not go far.   It was also reported that on Saturday, nearly 30 detainees held in WA whom the High Court ordered to be released have walked free from Yongah Hill Detention Centre, only to be dumped at a suburban motel on the outskirts of Perth.**  **We will therefore need to be quite insistent that the government provides all the support these men need regarding accommodation and income support.**  **Boat turnbacks**   |  | | --- | |  | | **Seven vessels transporting some 200 people including 14 children, were reportedly intercepted or returned to their countries of origin since Labor formed government in May 2022. Greens Senator Nick McKim said Labor continued the Coalition government’s ‘draconian policies’. An Australia Border Force (ABF) spokesperson said, ‘These arrangements balance the public’s right to know, the safety of all involved, and the implementation of our border security objectives and national security interests.’ Refugee advocates suggested that protection pathways for Ukrainian nationals could be offered to other cohorts seeking asylum.   Australian actor and UNHCR Goodwill Ambassador Cate Blanchett expressed her ‘shame’ and implored the European Union not to replicate Australia’s offshore processing policies.** |   **Family Reunions**    **In our last newsletter, we spoke about the recommendations made in the report by SCALES regarding family reunions.**  **SCALES (The Southern Communities Advocacy Legal and Education Service), is a community legal centre and the site of the Murdoch University legal clinic which opened its doors in April 1997.  The clinical legal programs run by SCALES are nationally recognised and are truly the jewel in the crown of the School of Law.**    **This report by SCALES, deals with family separation and family reunion for refugees and the need for reform.  There are currently too many hurdles and impediments for people to successfully apply for family reunions - the excessive visa application fee just being one of them.**  **On the 5 October last, we sent the Immigration Minister Andrew Giles, our motion, urging him to adopt the recommendations made in the SCALES report**[*L4RFamilyReunions-Giles5Oct23*](https://mcusercontent.com/09c48b6cba9909c3558998ce0/files/6fc26e7c-0fd2-4199-cfdc-0734b1338a75/Letter_to_Minister_Giles_from_L4R_re_Family_Reunion_Applications_5_10_23.pdf)**Some of these impediments were outlined to the Minister in the Background to our motion.  We have not heard back from the Minister.**  **We ask that at your next branch meeting, you move that motion**[*L4RFamilyReunionMotionNov23*](https://mcusercontent.com/09c48b6cba9909c3558998ce0/files/12a37a67-1e65-dff6-c87f-30368a736f2c/Motion_from_L4R_re_Family_Reunion_Applications_to_Minister_Giles_5_10_23.03.pdf)**and if supported by members, that you send the motion to Andrew Giles at**[andrew.giles.mp@aph.gov.au](mailto:andrew.giles.mp@aph.gov.au)**and your FEC*.***  **Meeting the Immigration Minister**  **We have been attempting to set up a meeting with Immigration Minister Andrew Giles.  At our October meeting, L4R members discussed a number of commitments made by the Labor Government at the August 2023 ALP National Conference and would like an update on these issues.**  **We have compiled a list of policies, reflecting the many commitments made at the Conference.  With no timelines provided, we are concerned that with so much going on, even with the Minister being committed to these reforms, that the needs of refugees and people seeking asylum will be pushed to the bottom of Labor's priorities.**  **We are hopeful that the Minister will accommodate us with an online meeting before the end of this year.**    **As the 22 November meeting will be our last one for this year, we hope you will attend this month's meeting.  We do not meet in January so our first meeting in 2024 will take place in February.**   |  |  | | --- | --- | | |  | | --- | | **Regards**  **Nizza Siano Secretary L4R NSW email:**[*contact@labor4refugees.com*](mailto:contact@labor4refugees.com) | | | | |