
Banning asylum entry because of lack of paperwork is a discarded 2003 Senate Committee plan – Alliance

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Suggestions by the Shadow Migration spokesman Scott Morrison that Australia will reject asylum applicants in cases where identity documents are lost or destroyed people was rejected in 2003 by a Senate Committee which included members of Mr Morrison's own party, the Australian Lawyers Alliance said today.

In 2003 an all party Senate Committee headed by Liberal senator, Marise Payne, concluded that a similar proposal was flawed. The committee in its report on the Provisions of the Migration Legislation Amendment (Identification and Authentication) Bill 2003 accepted evidence from senior migration lawyer and now Chair of the Refugee Council of Australia, John Gibson, that such a provision would be unfair.

The Committee accepted Mr Gibson's evidence that:

an attempt to deny a person who cannot produce evidence of identity access to a refugee determination process is simply wrong in principle. There are plenty of examples of people who are unable to obtain documentation in their country, given its lack of sophistication, who flee conditions of persecution in anonymous circumstances by design or who employ fraudulent documentation because they are fleeing persecution. While one would certainly qualify in situations where there is a deliberate attempt to mislead, as a matter of principle it is our submission that the inability to produce evidence of identity should not preclude consideration of claims.

The Senate Committee concluded "that it is not intended to prevent persons, including persons who arrive in Australia without evidence of identity, from applying for a Protection Visa."

The reasons provided by Mr Gibson and that were accepted by the Senate Committee in 2003, remain valid today. It is inherent in the nature of seeking asylum that people may be forced to destroy identity documents to ensure they have safe passage or be captured or killed.

Mr Morrison should consult Senator Payne and her Liberal colleagues Brett Mason and Nigel Scullion – all of whom are still MPs – and inform himself of why rejecting asylum on the basis of lost or destroyed documents is such poor policy.

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