



Submission to the Senate Legal and Constitutional Affairs Legislation Committee
Inquiry into the Migration Amendment (Strengthening the Character Test) Bill 2019
August 2019

This submission is made on behalf of the **Australian Council of TESOL Associations (ACTA)**, which is the peak professional body concerned with the **teaching of English to speakers of other languages (TESOL)** <http://www.tesol.org.au/>. The Council comprises representatives from State and Territory TESOL associations, including their presidents. Association members are TESOL teachers, consultants, curriculum developers and teacher educators in tertiary, vocational education & training (VET), community education, school and pre-school settings, as well as academics and researchers in fields related to teaching English and other languages.

ACTA wishes to record our fundamental opposition to those aspects of **the Migration Amendment (Strengthening the Character Test) Bill 2019** which would permit the deportation of anyone who:

- has lived a large part of their lives (say, more than 10 years) in Australia
- arrived in Australia as a minor (i.e. under 18 years)
- has minimal/no connection to the prospective country of deportation
- has a dependent family here in Australia.

Our reasons are as follows:

1. This bill will clearly have adverse effects on some of the vulnerable families of those whose interests ACTA seeks to represent.
2. Basic principles of justice and human rights demand that Australia take responsibility for imposing appropriate legal sanctions on those found guilty of breaking Australian law in Australian jurisdictions.
3. These principles apply doubly in the case of minors, whose socialisation has been in Australia. Australia has, therefore, the responsibility for any failures of socialisation and associated punishments and/or remedies.
4. Breaking up families is highly likely to create more intractable, long-term social and economic problems in Australia than the deportations are intended to solve.
5. As is clear from existing deportations to New Zealand, such actions by the Australian Government are inherently damaging to our relations with other countries because they off-load problems which have arisen in Australia to other jurisdictions that have had nothing to do with these problems and where the problems are likely to intensify. These deportations also invite retaliation from other countries.
6. No credible evidence exists to support this bill. Rather, as has been shown repeatedly and conclusively in previous and current submissions on this matter, all credible and trustworthy evidence is to the contrary, both in regard to any increase in the purported problems or their effective solution.
7. Existing laws are more than capable of dealing with the problems the bill is designed to target.
8. The proposed law appears to be retrospective (para. 7.3) and therefore violates a fundamental principle of justice and the rule of law.
9. As is documented in the Bills Digest, specifically the concerns raised, the proposed law would bypasses normal legal processes and gives undue power to an individual Government Minister.
10. Given the lack of credible evidence to support this bill, we are left to conclude that it is politically motivated and, given the sensitive community issues involved, is unworthy of *any* Australian Government.
11. For all the reasons above, the proposed law will bring Australian into disrepute as a global citizen and supporter of human rights.

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