

House of Representatives

Supplementary Order Paper

Tuesday, 14 May 2013

Immigration Amendment Bill

Proposed amendment

Darfen Fenton, in Committee, to move the following amendment:

Clause 12

In *clause 12*, replace *new section 317B(3)* (lines 14 to 25 on page 9) with:

- “(3) The Judge must issue the warrant in the prescribed form authorising the detention of each member of the mass arrival group —
 - “(a) in a place or the places named in the warrant being—
 - “(i) the Mangere Refugee Resettlement Centre; or
 - “(ii) where exceptional circumstances require an alternative location specified in the application; and
 - “(b) for the period of time sought in the application, or for a shorter period if he or she is satisfied that, after the expiry of the shorter period,—
 - “(i) the reasons for the necessity of the warrant in terms of **section 317A(1)(a)** will no longer apply; or
 - “(ii) the circumstances described in section 316(1) (a) to (d) will no longer apply in respect of each member of the mass arrival group.
 - “(3A) If the alternative location for detention is a prison, as defined in section 3 of the Corrections Act 2004, the members of the mass arrival group listed in the application must be housed separately from prisoners and this requirement must be specified on the mass arrival warrant.
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Explanatory note

This Supplementary Order Paper amends the Immigration Amendment Bill. Detention of asylum seekers is inherently undesirable and Article 31 of the 1951 Refugee Convention asserts that contracting States must not apply to the movements of refugees restrictions other than those that are strictly necessary. In such cases, however, where a mass warrant for detention is adopted as a last resort, asylum seekers should be housed in the Mangere Refugee Resettlement Centre in the first instance. In exceptional circumstances where it is deemed necessary to detain individuals in other facilities, individuals should always be housed separately from prisoners, in recognition that the act of seeking asylum is not illegal.
