

# Refugee Women Action for Visa Equality Inc

11 April 2024

Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

By email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

Dear Committee members

## **We deserve safe and permanent futures, not prison cells: Reject the Government's deportation and entry ban bill**

Refugee Women Action for Visa Equality (**Refugee WAVE**) is a coalition of courageous Iranian and Sri Lankan women fighting for our futures. Last year, we walked from Melbourne to Canberra calling for visa equality. Our stories are set out at **Attachment A**. Pictures from our walk to Canberra are **Attachment B**. It is critical that the Committee hears our stories – we urge the Committee to allow us to attend the hearing on 15 April 2024.

All of us have been in Australia with our families for over a decade. Some of us have children born in Australia, who have never known another home. We are all members of the community – we work, send our children to school and take care of our families. And we have all been refused Protection visas through the 'fast track' system that was set up to fail us. **We are all directly affected by the Bill.**

Last year, when we walked to Canberra, we met with politicians who committed to finding a solution to the situation of people failed through the 'fast track' system. We are devastated that instead, the Government is now trying to pass laws that would see us locked in prisons, separated from our families and potentially deported to danger.

If the *Migration Amendment (Removal and Other Measures) Bill 2024* (the **Bill**) passes, people like us could be put in prison if we refuse to leave Australia. We are directly caught by the Bill – our Protection visa applications have been refused. But the reality is that we cannot leave Australia – this is our home, our children were born here, some are citizens. We cannot be faced with jail, or leaving our home and returning to danger.

### **We urge the Committee to recommend that the Bill not be passed.**

#### *1. We have built our lives, families and communities here in Australia*

Refugee WAVE is a group of 22 women, though we represent the difficulties faced by thousands of others. We are Tamil, Kurdish and Iranian women who fled persecution in our home countries and sought safety in Australia over a decade ago. Today, we are still being punished and denied the right to live permanently in Australia.

All of us stand to be affected by this Bill – either right now, in the near future, or through the impact on our family members. We have all lived for years on short term Bridging E Visas, without any stability, and many of us without work rights, study rights or consistent Medicare. While some of us are still waiting for the courts to review our cases, many of us have tried all legal options and are told that we

should “depart Australia”. If this Bill is passed, the Minister will be able to direct us to do something to facilitate our own deportation, under the threat of criminal charges.

We have all lived in Australia for over ten years. We have watched our babies grow up here. This is the only home our children know. Some of our children were born here and are now Australian citizens. They have been through Australian schools, and some have been lucky enough to start university. Others have had their hopes crushed without the visa or financial ability to study.

For many of us, our entire families are at risk of deportation or prison if the Bill is passed. But some of our members have a different visa status to their partners or children, including children who are citizens now. They are at risk of being separated permanently from their families if they are forced to leave Australia.

We are strong women who have worked hard to protect our families and build our lives here. We are entrepreneurs and business owners, disability care workers, childcare workers, chefs, aged care workers, community volunteers and more. We have big dreams for what we can achieve should we be afforded the permission and dignity of a permanent home. We should not be told to leave Australia or face prison.

## 2. *We have been failed by the Fast Track system and will now be punished further*

We are not “failed refugees” – we have been failed by a broken visa system which never offered us a fair chance. Now, the Government wants to punish us further.

Under ‘fast track,’ the Immigration Assessment Authority rubber-stamped the Department of Home Affairs’ decisions at a rate of 90%.<sup>1</sup> We had no hearings and no fair process. We were blocked from providing new and important information. Decision makers were biased against us. It was rushed and some of us could not get legal assistance in the timeframe. Many of the IAA’s decisions were found by the courts to be legally incorrect,<sup>2</sup> but even more decisions were wrong because the system was stacked against us.

Before the election, the Australian Labor Party promised to get rid of the ‘fast track’ process. In 2021, we had some hope when the Labor Party’s national platform committed to getting rid of the ‘fast track.’<sup>3</sup> In February 2023 the Labor Government gave a pathway to permanency to everyone on temporary protection visas, but no solution was offered to people like us. In July 2024, the government will finally abolish the IAA.<sup>4</sup> But still, no solution has been offered to people like us whose lives were decided ‘on the papers’ without even a hearing.

The Minister has personally intervened to grant permanent visas to people unfairly refused through the ‘fast track’ process twice.<sup>5</sup> But we need more than just case-by-case solutions. In September 2023, we walked 650km to Canberra to meet with Minister Giles and other politicians about our situation. Those politicians sat down with us and told us that they would find a solution for families like ours, who are now part of the Australian community.

---

<sup>1</sup> Administrative Appeals Tribunal, Annual Report 2021-22, p 83.

<sup>2</sup> From 2020-21 to 2022-2023, 465 decisions of the IAA were set aside by the courts. See Administrative Appeals Tribunal, Annual Report 2021-22 p 84 and Administrative Appeals Tribunal, Annual Report 2022-23 p 76.

<sup>3</sup> Australian Labor Party, ALP National Platform – As Adopted at the 2021 Special Platform Conference, 2021, p 124.

<sup>4</sup> Item 228 of Schedule 2 to the *Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Bill 2023* repeals Part 7AA of the Migration Act.

<sup>5</sup> To Neil Para and his family, after his 1,000km walk from Ballarat to Canberra, and to Nades Murugappan, Priya Nadesalingam and their children after a high profile community campaign against their deportation.

But just months later, instead of acting to provide us with permanent safety and stability, the Government is trying to create laws that would criminalise us and tear our families apart. This is not a solution for dealing with the 12,000 victims of the failed Fast Track system. We have endured enough.

### 3. The Bill asks us to choose between persecution and prison

The reason we continue to fight for visa equality is because returning to our countries is not an option.

Each of us fled violence and war many years ago. The Australian Government tells us that now, our countries are safe to return. This was not true when our visa applications were refused and it is not true today. The situation for women in Sri Lanka and Iran remains gravely dangerous.

In 2022, the world was outraged over the death of Mahsa Amini at the hands of the Iranian regime, after she was arrested and beaten for not complying with the strict hijab laws for women. Her death sparked protests for women's rights across Iran that were met with brutal repression. Tens of thousands of protestors were arrested and at least 500 people were killed. Countless others were tortured, raped and injured. Just last month, the UN Fact Finding Mission on Iran found that *the violent repression of peaceful protests and pervasive institutional discrimination against women and girls has led to serious human rights violations by the Government of Iran, many amounting to **crimes against humanity***.<sup>6</sup>

In September 2023, the Minister for Foreign Affairs announced that Australia would impose sanctions on Iran in response to these human rights violations. Minister Wong said that *Australia stands in solidarity with the people of Iran, especially the courageous women and girls who continue to demonstrate immense bravery in the face of ongoing repression*.<sup>7</sup> In September 2022 Minister Wong and Minister Gallagher said that *Australia stands with Iranian women and girls in their struggle for equality and empowerment, and we call on Iran to cease its oppression of women*.<sup>8</sup>

Where is the Government's solidarity with the courageous Iranian women and girls here in Australia? How can the Australian Government condemn the repression of women in Iran, while at the same time trying to coerce women to return to suffer under this regime?

In Sri Lanka, there has never been proper justice or accountability for the crimes committed by state forces during the war.<sup>9</sup> Victims of past human rights violations, their families and activists are still subject to surveillance and intimidation. Political dissent is suppressed through draconian laws and excessive force from police.<sup>10</sup>

The situation in Sri Lanka is especially harsh for women. The dramatic increases in poverty and food insecurity are being felt most severely by women, especially those in insecure employment.<sup>11</sup> The UN Human Rights Committee has voiced its concern at the prevalence of violence, including sexual violence, against women. Sri Lanka has among the most restrictive abortion laws in the world,

---

<sup>6</sup> Human Rights Council, *Report of the independent international fact-finding mission on the Islamic Republic of Iran*, 2 February 2024, A/HRC/55/67.

<sup>7</sup> Minister for Foreign Affairs, *Targeted sanctions in response to human rights violations in Iran* (media release), 13 September 2023.

<sup>8</sup> Minister for Foreign Affairs and Minister for Women, *Australia condemns violent crackdown in Iran* (media release), 27 September 2022.

<sup>9</sup> Human Rights Council, *Situation of human rights in Sri Lanka - Report of the United Nations High Commissioner for Human Rights*, 6 September 2023, A/HRC/54/20; see also Human Rights Watch, *"If We Raise Our Voice They Arrest Us" - Sri Lanka's Proposed Truth and Reconciliation Commission*, 18 September 2023, <https://www.hrw.org/report/2023/09/18/if-we-raise-our-voice-they-arrest-us/sri-lankas-proposed-truth-and-reconciliation>.

<sup>10</sup> Human Rights Watch, *World Report 2024 - Sri Lanka*, <https://www.hrw.org/world-report/2024/country-chapters/sri-lanka>.

<sup>11</sup> Human Rights Watch, *World Report 2024 - Sri Lanka*, <https://www.hrw.org/world-report/2024/country-chapters/sri-lanka>.

punishable by long prison sentences. Women who were widowed during the war are still harassed, discriminated against, monitored and exploited.<sup>12</sup>

Instead of pretending that we can safely return, the Government should recognise that the risk to women and our families in our countries is as great, or greater, than ever.

4. *The Bill should not be passed*

Many years ago we fled our countries to escape the threat of violence, detention and arbitrary punishment. Here in Australia we now face the same prospect of being punished and locked up simply because of our visa status. When you threaten to jail us until we return to our countries of origin, you must understand the impossible choice we are being asked to make.

**We deserve safe and permanent futures, not prison cells. We ask the Committee to recommend that the Bill not be passed.**

Should you require anything further, please contact Sanmati Verma, Acting Legal Director at the Human Rights Law Centre.

Yours sincerely,

Naticka Tamilselvan	Harini Rathnakumar	Kayalvizhi Jeyakanthan
Krishnaranjani Barthlote	Maryam Barzegar	Masoomah Zarei
Sathiyathevi Kalirasa	Sayedeh Sharzad Dehkordi	Selvaranjini Manokaran
Shyamalie Sashikumar	Thayalini Sangeethan	Vanitha Parthipan
Vijayaluxmi Mohanraj	Chandravathani Mathiyalagan	Fahime Asgari
Geetha Ramachandran	Ghazaleh Ghaed Rahmati	Mohana Sudharsan
Parameshwary Mohan	Piumetharshika Kaneshan	Pusparani Kumaravel
Samira Turkian Zadeh		

---

<sup>12</sup> Department for Foreign Affairs and Trade, *Country Information Report – Sri Lanka*, 23 December 2021.

## Attachment A – Our Stories

### Chandravathani Mathiyalagan

“I came to Australia in 2013 with my partner and two children aged 5 and 3. Our two other sons were born in Australia, aged 9 and aged nearly 3 – the elder of those two sons will soon be eligible for Australian citizenship by birth. I have completed Cert III in Childcare and Cert IV in Disability Care. Our youngest child has not been issued with any visa and so is not able to enrol in childcare. Our oldest child just completed year 12 but cannot go on with his studies because of his visa status.”



### Fahime Asgari

“As a Kurdish woman, my community and I have experienced war crimes for 44 years. We’ve experienced oppression by the barbaric and human rights denying regime who rule Iran. We were forced to flee Iran, in order to survive. My family, with my two children, left Iran in 2013 through the only way we were able – we risked our lives using a worn-out boat made of wood. We travelled through the cruel ocean and struggled a great deal – we eventually sought shelter in Australia and applied for asylum. It has been 11 years since this time. My husband and I are successful entrepreneurs – we registered our business in 2016. My children were 13 and 8 years old when we arrived in Australia – they have grown up and completed all of their schooling here, they know no other home.”



### **Geetha Arunachalam Ramachandran**

“I am Geetha, I have been living in Australia with my family for 11 years on bridging visa. I have 3 children and my daughter was born in Australia and will be eligible for Australian citizenship by birth. I am working as a childcare worker and I have positively contributed to the Australia community. Last year, I walked with 22 other refugee women to demand justice for our families. Our country is not safe for women – I cannot allow my daughter to grow up there. We are part of the Australian community like everyone else.”

### **Ghazaleh Ghaed Rahmati**

“I am an Iranian woman. I came to Australia with my parents and younger sister and brother when I was 14, now I am 26. We did not have proper legal representation and our case was refused through the ‘fast track.’ We have been on Bridging visas for more than ten years waiting for our case to be resolved. Education meant everything to my parents. I started to study a Bachelor of Health Science, but was told I could not continue because of my visa status. I am now studying to be a dental technician. My parents managed to save enough money so that my younger sister could enrol in a Bachelor of Psychology. My younger brother just completed year 12 and is studying to be a builder. My father owns his own construction business and my brother helps him. Despite all of this, we are still not considered members of the Australian community. The biggest fear in my life is losing my husband, who is also a refugee. He was in an immigration detention centre for two years when he first came to Australia. The heartbreak of our story has made him attempt suicide. I am one of 10,000 refugees in this terrible situation.”



**Mohana Sudharsan**

“My family escaped Sri Lanka and spent 15 years in an Indian refugee camp. When we arrived in Australia, my husband, two sons, and I started a new life. My children have grown up entirely in Australia, considering it their home. The thought of being separated from their home, friends, and the life they’ve known is causing them significant distress.”

**Krishnaranjani Barthlote**

“My name is Krishnaranjani (Rathy) Barthlote. I arrived in Australia with my husband and our eldest daughter in 2013. Our youngest daughter, now 9 years old, was born in Australia and will shortly become an Australian citizen. Both my husband and I work as support workers, aiding vulnerable Australians. Additionally, my husband works as a forklift driver. I dedicate my time as a social support volunteer with the Red Cross, a commitment I've upheld for 2 years. Together, we strive to contribute positively to our community in every way possible, aspiring to provide our children with a peaceful and fulfilling life.”



### Parameshwary Mohan

"In 2013, I made the journey to Australia as a single mother. Working tirelessly as a chef, I commit myself to a full-time job to support my family. I actively engage in various ways to contribute to the Australian community. Our journey has been marked by the trauma of war, leading my family to live as refugees within our own country. In 1990, we fled Sri Lanka and sought asylum in India, where we spent 23 years in refugee camps. Despite our long wait, a permanent solution eluded us. Eventually, we sought asylum in Australia, where as a single mother, I faced numerous challenges in caring for my two sons. It's been over 12 years now, and we remain in a state of uncertainty."



### Piumetharshika Kaneshan

"I arrived in Australia with my mother and sister when I was five years old. My father and brother were left behind because we left Sri Lanka as quickly as possible for safety reasons. I have been here for 12 years and last year my father passed away. I wasn't even able to see him or touch him for the last time at all. My sister studied at Canberra Institute of Technology but because we are labelled as international students we have to pay what an international student has to pay. We weren't able to afford that because my mum was a single mum at the time, and she was working eight, nine hours a day with arthritis from head to toe. My mother has now worked hard so that I can study a Bachelor of Nursing and fulfil my dream of becoming a nurse."



**Pusparani Kumaravel**

“My family escaped the conflict in Sri Lanka and spent 15 years living in refugee camps in India. In 2013, I arrived in Australia with my husband and our 16-year-old son. For the past 11 years, we have been in a state of uncertainty. Despite my son's aspirations to become a nurse, we faced financial challenges that made it difficult to afford the necessary fees.”

**Samira Turkian Zadeh**

“I left Iran and came to Australia in 2013 because of the lack of freedom and safety for women in Iran. I now have three children who were born in Australia but don't have access to Medicare and my 4-year-old twins can't attend childcare. My family has built our home in Australia. We have lived, worked, and been part of our community in Mill Park for ten years. This is why we're asking from our hearts to give us certainty and a path to permanent visas so we can rebuild our lives and our children can be part of building the wonderful Australia of the future.”

**Vijayaluxmi Mohanraj**

“I came to Australia in 2012 with my two young children as a single mother. I have completed Certificates III in Age Care and Disability Care and have worked to support myself and my children. My eldest daughter has finished high school and due to not having permanent residence she is struggling with attending university as she goes under international students.”

### Harini Rathnakumar

“I came to Australia in 2013 when I was 10 years old with my father leaving my mother and two siblings behind in Indian refugee camp after staying there for more than 7 years as a refugee myself. I finished my primary and secondary schooling in Victoria. Wanting to become a doctor, I was as enrolled in Bachelor of Biomedical Sciences in which I was 4 months away from completing but not being able to afford international fees, I had to withdraw from university. I battled with depression over not being able to finish my studies nor being able to see my mum. I believe the only way for me to achieve both of these things is by getting permanent residency in Australia for which I have been waiting for over 11 years.”



### Naticka Tamilselvan

“I am 45 years old. Myself, my husband two sons have been refugees in India for 23 years and now in Australia for 11 years. During our lives in Australia, both my sons were eager to study and get a degree but due to our visa condition, they were told to pay international student fees. During that time, only my husband was the main provider for our family and we could not afford to pay which meant they were unable to attend university. Both my son’s dream was destroyed at such a young age and they both started working under construction while all the other kids at their age were enjoying life. My children were born in a refugee life and grew up in a refugee life. As a parent, watching this traumatises me but I don’t know how to do better for them.”



**Kayalvizhi Jeyakanthan**

“I am Kayalvizhi. In 2013, my husband and I came to Australia seeking asylum. Since then, I have completed Certificate III in Early Childhood Education and Certificate IV in Disability. Currently, I am employed as a Community and Disability Support Worker in the Brimbank City Council areas, while my husband works as a painter. Throughout my life, I have lived as a refugee. All I desire now is a permanent life without the constant fear of deportation”

**Thayalini Sangeethan**

“My name is Thayalini Sangeethan. Since the age of 4, I have lived as a refugee, initially fleeing from Sri Lanka to India due to war, and later seeking refuge in Australia in 2013 with my husband and two children. Now, our family has grown to four children in total. My eldest daughter is pursuing a degree in health science/dentistry, while the others are still in school. I have pursued education as well, completing Certificate II in Childcare and Certificate IV in Disability. Currently, my husband and I are employed at a recycling company, with plans for me to transition into disability work in the future. However, the lack of a permanent visa has cast a constant shadow over my life, leaving it uncertain”

### Vanitha Parthipan

“I arrived in Australia seeking asylum from Sri Lanka in 2013, accompanied by my husband and son. It has now been 11 years since our arrival, and we have since welcomed a daughter, who is now 9 years old and was born in Australia and will become a citizen. Both of my children attend school, and Australia is the only home they have ever known. During these 11 years, I have not had the opportunity to see my parents and siblings, and I deeply regret not being able to be with my mother during her final moments on earth. I hold onto hope of reuniting with my father at least, but without a permanent visa, I have no means of seeing him anytime soon. My husband and I work tirelessly for our family, yet the absence of a permanent visa fills our lives with anxiety. We worry constantly about our children’s future and long for the stability that a permanent visa would provide.”



### Sathiyathevi Kalirasa

“In 2006, I initially fled Sri Lanka and sought asylum in India, where my family and I resided for six years. Eventually, circumstances compelled us to seek asylum in Australia, and in 2013, myself along with my husband and our two children aged 8 and 2, arrived in Australia. Our youngest child was born after our arrival here. Presently, we are on a bridging visa (subclass E 050), diligently working and fulfilling our tax obligations. While my husband and I are employed, I am unable to pursue further education or secure stable employment due to our lack of permanent residency status in Australia. Our eldest daughter is currently enrolled as a second-year student in Bachelor of Biomedicine, and our other two children are attending school. These circumstances have placed a significant strain on me and I now have to receive medical care to cope with my hopelessness and depression.”

**Selvaranjini Manokaran**

“In 2001, our family escaped from Sri Lanka. Initially, we sought asylum in India, but after waiting for several years without finding a permanent solution, we were compelled to seek asylum in Australia. Despite residing in this country for over a decade, we find ourselves in a precarious situation. This instability prevents us from pursuing education or securing stable employment.”

**Masoomeh Zarei**

“I am Masoomeh Zarei, and I arrived in Australia in 2013. Although I applied for refugee status in 2016, my application was rejected, and I have been awaiting a court decision since 2020. Unfortunately, I am currently unable to work or pursue studies.”

**Sayede Sharzad Dehkordi**

“I fled Iran with my family in 2013 due to persecution. Despite being successful entrepreneurs, they continue to face uncertainty.”



**Shyamalie Sashikumar**

“My family fled Sri Lanka and sought asylum in Australia. Despite being here for over a decade, we are still awaiting a permanent solution. Unfortunately, I do not have access to Medicare or work rights.”

## Attachment B – Photographs



