

**AUSTRALIA'S COMBINED 18th, 19th AND 20th REPORTS
UNDER THE CONVENTION ON THE ELIMINATION OF ALL
FORMS OF RACIAL DISCRIMINATION**

**APPENDIX 3
Migration Legislation Amendments 2014**

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I. MIGRATION LEGISLATION AMENDMENTS 2014

The Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014 (Cth)

1. In December 2014, the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014 (Cth) was passed. This Act reintroduced temporary protection visas for Illegal Maritime Arrivals (IMAs) who are found to engage Australia's protection obligations and meet all other visa criteria, including health, security, character and identity requirements.
2. The enactment of the *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014 (Cth)* has clarified Australia's international law obligations under the Refugees Convention. This Act makes it clear, through new section 197C, that the removal power under section 198 of the *Migration Act 1958 (Cth)* is available independent of assessments of Australia's non-refoulement obligations, where a non-citizen meets the circumstances specified in the express provisions of section 198. Section 197C does not, and is not intended, to take away opportunities set out elsewhere in the Migration Act which enable the Government to be satisfied that the removal of a person will not violate Australia's non-refoulement obligations.
3. The Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014 also removes most references to the Refugees Convention from the Migration Act and instead creates a new, independent and self-contained statutory framework which articulates Australia's interpretation of its protection obligations under the Refugees Convention. It is not the intention of the Australian Government, however, to resile from Australia's protection obligations under the Refugees Convention, but rather to codify Australia's interpretation of these obligations within certain sections of the Migration Act.