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# A brief look at the harm Australia's 501 policy has caused



**Don Rowe**  
Contributing writer

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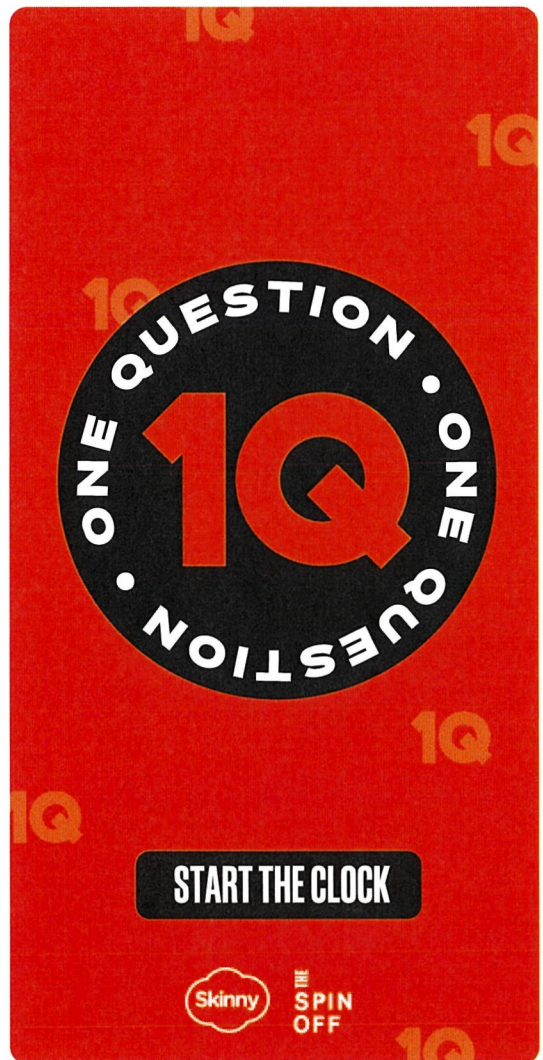


Tokens to remember Matt Taylor, a 501 deportee who died shortly after arriving in NZ (Image: Supplied)

**The recent killing of a dairy owner in Auckland has once again brought Australia's migration laws to the fore. Don Rowe looks back on the controversial 501 policy.**

The man accused of murdering Auckland dairy worker Janak Patel last week is reported to have been deported from Australia earlier this year under that country's harsh migration laws. Around 2,000 "501s" have arrived in New Zealand since 2014, many of them

5th



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Q complete strangers to the country and Australian in every respect bar one – as citizens.

Police said almost half of deportees have reoffended since arriving in Aotearoa, alleging the policy has fueled a rapid increase in gang violence and organised crime. It warned that sophisticated criminal networks are now operating in Aotearoa New Zealand, and decried what it calls a lack of information about who is being deported and why.

## What is a 501?

Section 501 of Australia's Migration Act 1958 was amended in 2014 to provide for the cancellation or refusal of the visa of any migrant who fails a nebulous "good character" test. This covers things like terms of imprisonment and criminal activity – but also stretches as far as social associations that are deemed undesirable.



Protesters asking for a change of laws to protect those working in dairies (Image: Stewart Sowman-Lund)

While many 501s have criminal records, it is not a precondition for deportation from Australia. In 2016, Ko Rutene, a former soldier and bodyguard to John Key, was deported under the 501 policy on character grounds despite his clean criminal record. Advocates have reported the deportation of the elderly, and of at least one disabled teenager.



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Migrants travelling on a New Zealand passport arrive in Australia on a Special Category Visa (SCV) which allows them to live, study and work in the country indefinitely. Because most of the perks of citizenship are granted under an SCV, many migrants go no further, spending decades building their lives in Australia on the same visa. But the SCV is still legally temporary, therefore it can be – and is – revoked by the state at their discretion.

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Having moved to Australia as young as two or three years old, many migrants have no connection to Aotearoa, and arrive dependent on distant relatives and a welfare system they have no experience navigating. Few resources are available for rehabilitation or triage. The man alleged to have killed Janak Patel has reportedly been living in emergency housing in South Auckland since his return. Little else is publicly known.

Some deportees leave behind spouses and children. Some end up recidivist criminals. Some end up dead –



either enroute or soon after arrival.

In 2015, Junior Togutaki, a 23-year-old New Zealand citizen who had lived in Australia since the age of four was found dead in his cell in Sydney's Supermax prison where he had been awaiting deportation. After calling for help following a self-harm incident, Togatuki flooded his cell in a last attempt to attract the guards' attention. Investigators later reported that pleas for help had been written on the walls in blood.

In 2016, New Zealand citizen Robert Peihopa died after a fight at Villawood Detention Centre's Blaxland compound. In 2017, recent deportee Matthew Taylor was found dead in a Porirua playground.

Earlier this year, graphic footage emerged of detainees on Christmas Island bleeding from wounds to the head and body, zip-tied to furniture, after reportedly being beaten with batons and steel pipes by the facility's Emergency Response Team. Advocate Filipa Payne told Māori Television that detainees needing medical care were placed in isolation and said some of the incarcerated – who have been on the island for as long as eight years – were suicidal.

Professor Gillian Trigg, president of the Australian Human Rights Commission from 2012-2017, has described the conditions in Australia's detention centres – where many Kiwis languish – as in breach of the United Nations Convention against Torture.

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Bulletin editor

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The policy has proved controversial across successive Australian governments. Last year, outgoing minister

for home affairs Peter Dutton referred to deportees as “trash”. Dutton, who was the face of Australia’s hardline immigration policy, was quoted in a 9 News piece which included clips of journalist Jordan Fabris goading 501s boarding a flight back to New Zealand, asking them “how does it feel to be kicked out of Australia?”

In 2018, then-justice minister Andrew Little told The Spinoff the deportation regime constituted “extraordinary abuse”.

“You have a situation where somebody has done all their growing up in Australia, then offended criminally or associated with others or otherwise not met the various tests under Australian law – then to uproot someone from their community, from their household, and to put them in a country that is for all intents and purposes a foreign country to them, that is an extraordinary punishment.”

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Earlier this year, police minister Chris Hipkins cited the arrival of 501s as contributing to an escalation in gang activity, saying there had been an “importation of a pattern of criminal activity” previously unseen in Aotearoa.

Prime minister Jacinda Ardern has characterised the situation as “corrosive” to trans-Tasman relations, warning Australia not to “deport your people and your problems”. But, following her first meeting with Australian prime minister Anthony Albanese this year,

Ardern downplayed the likelihood of an easy resolution, saying the issue was, at its core, about citizenship.

Albanese has indicated that while some details may be looked at, the policy will remain. In the meantime, the deportations continue, with no winners.

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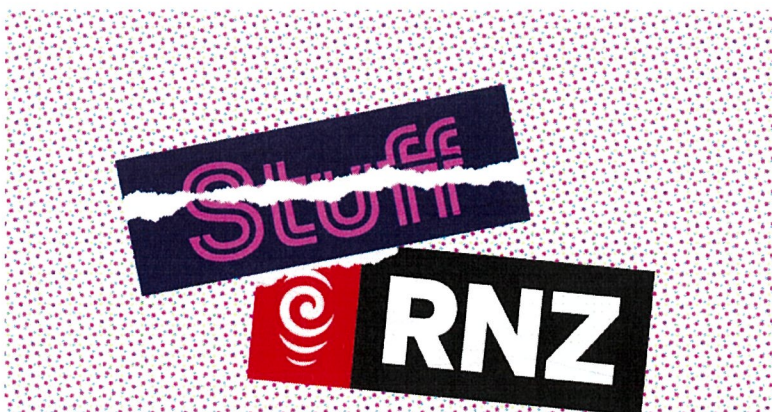
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