



Reaching behind iron bars: challenges to the detention of asylum seekers

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ABSTRACT

Recent legal challenges to the detention of asylum seekers in Australia have exposed some limits on the power of the executive government to detain asylum seekers. This article sets out the legal basis for the current mandatory detention regime in Australia and discusses recent legal challenges to the regime and compares the Australian and British approaches to detention, focusing on the impact of international law. We suggest that although recent successes in Australian courts are significant, more comprehensive challenges to the constitutional validity of the regime may be possible in the future, particularly if greater emphasis is placed on Australia's international obligations.

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