

Project SafeCom News and Updates

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1. Not all asylum seekers are terrorists, European Commission warns

ABC News Online

By Melissa Clarke in London

First posted Mon 16 Nov 2015, 7:48am

Updated Mon 16 Nov 2015, 9:40am

The European Commission has warned against conflating the perpetrators of the attacks in Paris with refugees seeking asylum.

French authorities are investigating a passport belonging to a Syrian refugee found next to the body of one of the suicide bombers at the Stade de France.

While it is not clear if the passport belongs to the attacker, it has fuelled fears terrorists are using the same routes into Europe as refugees and migrants.

European Commission president Jean-Claude Juncker urged those concerned not to "give in to basic reactions".

"The one who is responsible for the attacks in Paris cannot be put on equal foot with real refugees, with asylum seekers and with displaced people," he said.

"He is a criminal and not a refugee and not an asylum seeker."

The passport's owner travelled by boat from Turkey to the Greek island of Leros in early October.

After that, the person travelled through Macedonia, Serbia, Croatia, Hungary and possibly Austria, along the well-worn migrant route to western Europe.

Questions over Europe-wide resettlement agreement

The possibility that extremists could use the pathway was enough to prompt the new-elected Polish government to reject the Europe-wide agreement to share the resettlement of refugees across the continent.

The incoming European Affairs minister Konrad Szymanski said yesterday there was a "question mark" next to the agreement. "We will accept refugees only if we have security guarantees," he said, without specifying what that would entail.

Slovakian and Czech leaders also raised concerns about whether the current security arrangements for asylum seekers entering Europe were sufficient.

The Swiss Defence and Civil Protection Minister, Ueli Maurer, said he wanted to strengthen Switzerland's border controls.

"Until now, it was a taboo politically. But now the measure of reintroducing border controls is necessary."

That would be a major break in the Schengen Agreement, which allows free movement across many borders in Europe.

"I would like to invite those in Europe who are trying to change the migration agenda we have adopted, I would like to remind them to be serious about this," Mr Juncker said.

"I do see the difficulty, but I do not see the need to change our general approach."

'Easy' for Islamic State fighters to return to France

The head of the Centre for Security and Intelligence Studies at the University of Buckingham, Professor Anthony Glees, said the recent approach to migration had contributed to the terrorism threat.

"The policies of the French government, and particularly the policies of the German government, have made it easier for Islamic State fighters who may have left France to go off to fight for the IS to return to France without being identified as Islamic State fighters," he said.

He also believes the Schengen Agreement is a security risk at this time, describing it as a "total folly". "It makes it unsafe for everybody," he said. "To abolish borders is yet another examples of a 19th century romantic response to a 21st century security threat. "If you don't know who is coming in to your country, you don't know whether they are safe or not."

<http://www.abc.net.au/news/2015-11-16/asylum-seekers-not-terrorists-european-commission-warns/6943522>

2. Immigration Minister Peter Dutton rejects internal call from state MP Andrew Fraser to 'close our borders'

ABC News Online

By political reporter Anna Henderson

First posted Mon 16 Nov 2015, 7:06am

Updated Mon 16 Nov 2015, 11:42am

Federal Immigration Minister Peter Dutton has shut down a call from a New South Wales State Government MP for Australia to stop accepting Middle Eastern refugees.

In the wake of the terror attacks in Paris, Coffs Harbour MP Andrew Fraser wrote a "message to Malcolm Turnbull" on social media.

"Australia does not need Middle Eastern refugees or Islamic boat people!" Mr Fraser wrote on Facebook.

"Close our borders we have enough anarchists already resident in Australia ...we do not need any more coming in disguised as refugees."

Over the weekend it has emerged that a passport found at the scene of one of the Paris attacks was issued to a Syrian asylum seeker.

Australia is preparing to accept 12,000 refugees from the conflict in Syria and Iraq.

Mr Dutton has been questioned about whether he is considering Mr Fraser's call for that decision to be reversed.

"We are not," he told Channel 7.

"Australia obviously faces a very different situation than countries in Europe that have land borders."

Mr Dutton maintains Australia can continue with existing border protection policies while being scrupulous in processing new applications.

"I think this just demonstrates why we do need a tough border setting but at the same time we can bring in people such as the Syrians that we are bringing in who are fleeing a murderous regime," he said.

Mr Dutton has acknowledged there is a level of concern about whether people are falsifying their details to gain entry to Western countries.

"I was in Jordan only the week before last and there is a lot of talk there about false documents and false passports, and we need to make sure that we know who is coming to our country," he said.

The Government is expecting the first refugees from the new intake to arrive before Christmas.

"Under no circumstances are we going to ... compromise the security of our country," Mr Dutton said.

"We want to make sure we know who is coming. We are not going to compromise on that."

Federal Justice Minister Michael Keenan backed that position.

"We're going to have an orderly process I think, rightly, assisting people who have been affected by the humanitarian disaster that is Syria," Mr Keenan said.

"The people that do come to Australia will be thoroughly vetted and scrutinised by our agencies to make sure that we wouldn't let anyone into Australia that would pose a threat to us."

New South Wales Premier Mike Baird has also rejected Mr Fraser's comments.

"Of course there are concerns in terms of security checks and as you heard from the Federal Immigration Minister and the Prime Minister, they are taking those appropriate checks," he said.

"I don't think anyone should say we shouldn't help someone in such need as those that are fleeing the sort of terror we've seen been wreaked upon them in their homeland."

<http://www.abc.net.au/news/2015-11-16/dutton-rejects-internal-call-for-australia-to-close-borders/6943552>

3. Peter Dutton defends border policies amid calls for Australia to close its doors

The Age
November 16, 2015 - 11:24AM
Lisa Cox, James Massola

Immigration Minister Peter Dutton has defended Australia's border security policies in the wake of the Paris terror attacks, but has emphasised Australia is in a very different position to Europe after a NSW Nationals MP called for the country's borders to be closed.

And as Defence Minister Marise Payne and Mr Dutton pushed back at calls to close the border, former prime minister Tony Abbott suggested that as Immigration Minister Mr Dutton should be part of cabinet's national security committee - as had been the case when he was prime minister.

Mr Dutton said on Monday "we aren't going to rush" the processing of 12,000 refugees affected by conflict in Syria and Iraq because the government would not compromise on security checks of the incoming refugees.

The refugees were expected to arrive in Australia by Christmas.

"We are being prudent and in fact the government was criticised only last week for the fact that we are doing these security checks so stringently," Mr Dutton told radio station 2UE.

"We're just not going to rush.

"If the program time is blown out, it's blown out because we want to make sure we can be assured as to who is coming to our country and the government is not going to step back from that position."

Mr Dutton's comments come after Mr Abbott warned at the weekend that the Paris attackers could have been hidden among the influx of refugees fleeing Syria into Europe.

And Nationals MP Andrew Fraser, a senior member of the NSW Coalition government, used a Facebook post on Sunday to call on Prime Minister Malcolm Turnbull to "close our borders" to Middle Eastern and Muslim refugees.

Both Mr Dutton and Senator Payne used interviews on Monday to stress that Australia was in a different situation to Europe with regards to refugees.

"Obviously the 12,000 refugees, we're talking about people who are fleeing from the Assad regime, or fleeing from ISIL themselves," Mr Dutton said.

"It's a different situation for us because we've got...an island nation, we don't have the land borders that some European countries do.

"But it is absolutely essential, we must know whether they come by air, or whether they come by boat, who's coming across our borders, in and out and we need to continue that strong stance and I think people recognise that."

Mr Dutton said Mr Turnbull was also reviewing whether he should be reinstated as a permanent member of the government's national security committee.

"The PM made it clear that it was under review and I think that's perfectly reasonable so no doubt I'll consider that in the coming days and weeks," he said.

In an apparent swipe at his successor, Mr Abbott highlighted the fact that the immigration minister, under him, had been a member of the key decision-making body.

"Certainly when I was the prime minister, the minister for immigration and border protection was a member of the national security committee," he told 2GB.

"In the end it is up to the prime minister to decide who should be the member of all the various committees of cabinet.

"The minister for border protection is, in my judgment, a significant part of our national security machinery.

Mr Turnbull, Julie Bishop, Warren Truss, George Brandis, Scott Morrison and Senator Payne and Arthur Sinodinos comprise the current NSC.

Senator Payne told the ABC's AM program Australia could look at increasing the number of Australian forces involved in military operations in Iraq.

"Yes, those discussions are certainly possible and I will be dealing with the Prime Minister as he returns to Australia in due course," she said.

"We will take advice from the chief of the defence force and senior officials to determine the best way forward."

But she would not "pre-judge" whether the role played by Australian defence personnel would change from their current status which is restricted to advising and assisting Iraqi forces.

<http://www.theage.com.au/federal-politics/political-news/paris-attacks-peter-dutton-defends-border-policies-amid-calls-for-australia-to-close-its-doors-20151115-gkzr1v.html>

4. Al Jazeera: Australia running out of countries to send its refugees

After abuse scandals, Australia is being forced to seek out new nations to take its unwanted asylum seekers.

Al Jazeera
Anneliese McAuliffe
02 Nov 2015 09:40 GMT

Australia is being forced to seek new countries to take its refugees after the Philippines said it won't accept them.

Australia's contentious policy of offshore detention of refugees was plunged into a fresh crisis last week when President Benigno Aquino rejected Australia's proposal to permanently resettle people in the Philippines.

Canberra had approached Manila after a series of scandals involving allegations of rape, physical abuse, and mental cruelty against detainees held at Nauru and Manus Island were highlighted in the media and by advocacy groups. The government is increasingly under pressure to find a more humane solution.

But President Aquino dashed hopes of a deal, saying the Philippines does not have the "capacity at this point of time to afford permanent residency to these people".

Australia is fast running out of third-country options as it seeks to maintain its policy of offshore detention. A high court decision in 2011 means that, under current laws, Australia can only legally make deals for the processing and resettlement of refugees with countries that signed the UN's 1951 Refugee Convention.

In the Southeast Asia region, that does not leave many options; only Cambodia, East Timor and the Philippines are signatory countries. In the Pacific region, the small islands of Fiji, Papua New Guinea, Samoa, Tuvalu and the Solomon islands are all signatories.

However, the alarming outcome of deals done with Nauru and Papua New Guinea means further agreements with the island nations are unlikely.

Australia's failed programme to resettle refugees in Cambodia has already cost 55 million Australian dollars (US\$39m), but only four detainees have taken up the offer to relocate. Cambodia has now suggested they will not take any more refugees.

Full story at <http://www.aljazeera.com/indepth/features/2015/11/australia-running-countries-send-refugees-151101080825920.html>

5. Klaus Neumann: A lesson in asylum-seeker leadership

The Age
November 12, 2015 - 11:45AM
Klaus Neumann

On Friday, Malcolm Turnbull will visit Berlin. According to the press releases issued by Turnbull's and Angela Merkel's offices, they will talk about the bilateral relationship, and discuss global issues.

They might also compare notes on their politics, which are close. Both are socially progressive, pro-market and pro-environment liberals. Both are the leaders of parties that contain strong socially conservative elements.

They could even talk about leadership. Here, their styles couldn't be more different. Merkel has been reluctant to lead from the front; instead, she is usually waiting for a consensus to emerge, before embracing and advocating a position. In German, there is now a word to describe this propensity to dither: merkeln. Turnbull, on the other hand, is more likely to convince others to follow him on a route he has charted.

Between the end of August and late October, Merkel acted out of character when she advocated a position without waiting for the majority of her party, of her coalition government and of Germans to make up their minds. She repeatedly said that

Germany ought to accommodate the hundreds of thousands of refugees who were trying to seek its protection, that the German constitution did not provide for an upper limit on the number of people who could be granted asylum, and that no tolerance should be shown towards those who violated the dignity of refugees.

"Wir schaffen das" ("We are able to do this"), Merkel kept telling Germans who were sceptical about the country's ability to accommodate one million refugees this year alone. Her "Wir schaffen das" was also directed at the many Germans who were donating their time to welcome refugees, teach them German, and invite them home. It was a defiant "Wir schaffen das" towards xenophobes and Islamophobes.

Merkel was able to rally large sections of the media and many Social Democrats and Greens behind her. But her "Wir schaffen das" was openly ridiculed by Horst Seehofer, the Bavarian premier and leader of the Christian Democrats' sister party, the Christian Social Union. He has had a close ally in federal interior minister Thomas de Maiziere, the Christian Democrat responsible for the government's response to refugees. Given de Maiziere's recalcitrance, in early October Merkel appointed her chief of staff and special minister of state, Peter Altmaier (the German equivalent of Senator Arthur Sinodinos), to coordinate that response.

That didn't stop de Maiziere from undermining Merkel's leadership. Without consulting her, he recently declared that Syrians would no longer be eligible to apply for family reunion. (He had to backtrack, but the idea is not yet off the table.)

While de Maiziere's initiatives have been strongly criticised by the Social Democrats and by the opposition, Merkel has defended her interior minister. Is Merkel still holding the line but unsure what to do in a situation she has seldom encountered before: open rebellion in her own ranks? Or is she already looking for a way out? Merkel may again be doing what she does best: merkeln. If a consensus emerged that the number of refugees entering Germany needs to be drastically curtailed, possibly by ever more draconian measures designed to deter new arrivals, then Merkel could yet make that consensus her own position.

Merkel might not raise these questions in her conversation with the Australian Prime Minister, but refugee issues will inevitably feature in the meeting. Turnbull is unlikely to do what Tony Abbott would have done, and advocate the Australian policy of stopping the boats as a model to be emulated by the Europeans in the Mediterranean. Turnbull knows that he would be met with consternation if not bewilderment.

Turnbull might point out that Australia has agreed to resettle an extra 12,000 Syrians and Iraqis. Merkel has been looking towards her European partners, rather than towards North America or Australia, when demanding that the burden posed by refugee arrivals be shared equitably, and may well think that 12,000 is a pathetically small number – both in relation to the overall size of displacement globally (or in Syria and Iraq, for that matter) and in relation to Australia's annual migration program, its affluence and its population. After all, Germany is this year taking in one refugee for every 100 German residents, and Sweden two for every 100 Swedish residents. But she could ask for Australian advice on how Germany ought to go about successfully resettling refugees.

Merkel, who believes in the merits of global approaches to forced migration and in burden sharing, might suggest to Turnbull that Australia may want to triple or quadruple the number of humanitarian entrants per year – not necessarily by taking more Syrians, but by resettling refugees from countries such as Myanmar. Surely Australia's neighbours could be approached about a quota solution in the Asia-Pacific region?

While Turnbull may not be as familiar as the German chancellor with Europe's refugee crisis, he knows a lot about leadership. He could tell Merkel that it would be in her own best interests not to be associated with backflipping, and instead to stick it out: reign in the rebels in her own party, convince Germans that her "Wir schaffen das" was genuine and that she has a plan how Germans would be able to do this, and keep ostracising the populist far right.

Of course such advice would be far more convincing if the Australian Prime Minister were able to tell Merkel that he will soon demonstrate leadership and end the incarceration of men, women and children, who have committed no crime other than to seek Australia's protection.

Klaus Neumann, professor of history at Swinburne University, has just returned from Europe. While there, he wrote a three-part series on Germany's response to the current refugee crisis for Inside Story (www.insidestory.org.au).

<http://www.theage.com.au/comment/a-lesson-in-asylumseeker-leadership-20151111-gkw8l4.html>

6. Labor champions plan to resettle Pacific climate change migrants

Labor's immigration spokesman, Richard Marles, returns from Pacific islands tour and says Australia should plan early to accept 'people on the move'

The Guardian
Ben Doherty
Wednesday 11 November 2015 10.31 AEDT

Australia should be at the forefront of efforts to resettle climate change migrants forced from their homes across the Pacific, Labor says.

The opposition immigration spokesman, Richard Marles, visited Papua New Guinea, the Marshall Islands and Kiribati last week, observing the impacts of climate change on the low-lying islands.

Writing for Guardian Australia, Marles argues that as climate change raises existential questions for the nations of the Pacific, "this also has implications for [Australia's] obligations".

"The desire for the peoples of the Pacific to migrate because of climate change will not happen tomorrow," he says. "The focus of all these communities right now is naturally on how they maintain their homes, lives and cultures. And currently they see the critical role for Australia as playing its part in reducing greenhouse emissions and in supporting them with adaptation efforts.

"But if climate change is placing the viability of communities in question, then inevitably some people will move as a result. So Australia being a destination for climate change migrants surely has to be up for discussion."

Marles says Australia has enormous capacity to assist Pacific Island nations. Australia's annual net migration intake is more than 200,000 people. The combined population of atoll nations Kiribati and Tuvalu is less than 120,000.

"Not all of these people will seek to come to Australia," Marles says. "Indeed none may come. And if any do it will not be in the next few years and it will not be all at once. But if we are to avoid another fraught debate in a space which has been the source of more than its fair share, then we have to talk about this now rather than wait until the issue is upon us.

"It is in this sense that the Pacific must be our issue. And the movement of people is a part of that."

A new legal framework may be required to deal with forced migration caused by climate change. People displaced by rising seas, catastrophic weather events or climate impacts do not qualify as refugees under the 1951 refugee convention.

An i-Kiribati man, Ioane Teitiota, failed to have his claim accepted by New Zealand courts as the world's first climate change refugee and he was deported last month.

Different Pacific nations have different migratory plans, and options.

The population of the Marshall Islands – 72,000 people – has the right to migrate to the US.

People from Palau, the Cook Islands, Fiji, Samoa, Tonga, Tuvalu and the Federated States of Micronesia have legal rights, or practical access, to labour markets in New Zealand or the US.

But the people of PNG, the Solomon Islands, Vanuatu, Nauru and Kiribati have no such rights, and essentially no place to go. Kiribati – population 105,000 – is particularly vulnerable to rising sea levels: 97% of its land mass is less than five metres above sea level.

The president of Kiribati, Anote Tong, who in September referred to Australia as "the big polluting island down south", has implemented a program called Migration with Dignity, designed to provide his people with education and vocational training so they can find work abroad if – as most projections suggest – their homeland becomes unliveable.

A policy analyst with the Migration Council Australia, Henry Sherrell, says although forced migration as a result of climate change is often overemphasised globally, the Pacific was unique. "There is a compelling case that a number of Pacific countries will become unliveable in future decades," he says. "As one of the Pacific's most prosperous countries, Australia must consider what role to play. Our capacity to assist Pacific citizens is unrivalled in terms of positive migration experiences."

Sherrell says Australia should begin discussing policy responses, such as a dedicated Pacific permanent visa lottery, immediately, not in two or three decades when movement was imminent and potentially disordered. "Being proactive instead of reactive on these issues will show this is an opportunity where Australia can help, and not in any way a threat," he says.

<http://www.theguardian.com/environment/2015/nov/11/labor-champions-plan-to-resettle-pacific-climate-change-migrants>

7. Nauru mother: I just wanted the freedom to enjoy being a mother

Brisbane Times
November 12, 2015 - 3:02PM
anonymous

I dreamed of feeling like a normal mother. After being in a relationship with the amazing man that I have loved for 13 years, I wanted to have his child. Eight years after the bitter experience of losing my first child, I wanted to be able to taste the sweetness of being a mother again.

Yes, after losing my first child. It's true, I come from a country in which taking pleasure in anything or asking for your basic human rights is not tolerated. Because of the laws in that country, I was forced to abort my first baby. I fled because of the inhumane laws that are enforced there in the name of religion. I fled my country to come here where people are not just alive but they are actually living and entitled to make choices. Once here, I wanted to put all those bad memories behind me and finally enjoy motherhood.

I knew it wouldn't be easy to be expecting a baby in a place where you live in a tent that is shared with reptiles, rats, crabs and cockroaches. I knew I would suffer being pregnant on a land that is covered with hot gravel, in a climate where even healthy people struggle breathing because of phosphate dust, or simply walking due to the intense heat and the exhaustion that detention causes.

I knew it wouldn't be easy to carry my baby and keep him safe, when every day you only have a few minutes to shower and you have to use overcrowded public toilets that are cleaned only once a week and are constantly filthy, but ...

I had hope and I was determined. And we made it through the pregnancy as a family, despite all the hardships that we went through. After giving birth in a hospital in Darwin, I was forced to sign a document in which I confirmed that my new-born son was also a detainee just like his parents. And with that document, I detained my baby with my own hands. With my own arms, I carried him back to the detention centre.

No matter how hard I try, though, I still can't figure out why he must be detained. Has he committed a crime already, with his tiny hands? Has he broken any of the rules? And how is it that he is referred to by a "boat number" already, even though he has never been on a boat?

I stare at him and wonder if he will feel my fear when the officers break into the room, dragging me from my bed, pulling me outside, handcuffing my husband, dragging me on the floor to take me back to Nauru.

Does my little baby feel it every time I wake up, fearful, in the middle of the night and gaze at the door, expecting the officers to pour in at any moment? I think he does. And if he does, what if he panics in fear when that day comes, and his little heart stops beating all of a sudden?

I'm sure he has many questions to ask, questions to which I have no answers. What am I supposed to tell him if he asks me why I am always sad and teary, in spite of the fact that having a baby should bring joy and happiness to every mother? If he asks me why, when I look at his little face, my heart breaks instead of being full of joy? How can I explain to him that his mum and dad committed no crime, but already have been detained for more than two years?

And now, because of stress and depression, my breast milk has stopped. No longer can I feed my baby son with my own milk.

I feel guilty every day, and I can't help but think how he is going to judge me for all the pain I have caused him to experience, simply by giving him life. All I want him to do is to forgive me for what I have done.

I just wanted the freedom to enjoy being a mother, and I had hope that Australia could give me that. Instead I have brought him into a life of suffering and uncertainty. My son, when you grow up and read this someday, I hope you will forgive me.

---->>>>The author is a mother in detention on Nauru who was brought to Australia to give birth. She wishes to remain anonymous. Below is the letter in its original Farsi version.

<http://www.brisbanetimes.com.au/comment/nauru-detainee-i-just-wanted-the-freedom-to-enjoy-being-a-mother-20151111-gkwx41.html>

8. Free at last, Ranjini is deemed not a security threat after all

Brisbane Times
November 13, 2015 - 9:09PM
Michael Gordon

Ranjini, the Sri Lankan mother of three who has spent more than three years in detention after being deemed a national security threat by ASIO, has been freed.

The Tamil refugee was given no reason why she was considered a security risk when when she was whisked into detention in May 2012 - and was similarly given no explanation for her unannounced release on Thursday.

"She is very happy and extremely relieved," her lawyer, David Manne, said on Friday after Ranjini's first day of freedom included walking her two older boys, aged 9 and 11, to school.

Her third child, an Australian citizen, was born in detention after the pregnancy was confirmed two days after she was flown with her boys from Melbourne to Sydney's Villawood detention centre.

Ranjini was one of more than 50 Tamil Sri Lankans who were deemed security threats despite having refugee status and were then indefinitely detained. Most have since been quietly released without reason after their adverse security assessments were lifted.

Although Ranjini's husband Ganesh is an Australian citizen and she is recognised as a refugee, she does not know what visa she will be offered.

"She is looking forward to being able to rebuild her life with her husband and three boys with certainty of a safe future," Mr Manne told Fairfax Media.

Ranjini, 36, whose first husband died in the Sri Lankan civil war, arrived on Christmas Island in April 2010 and spent time with her two boys in detention centres in Perth and Adelaide before being released into community detention in Brisbane in April 2011.

Her refugee status was recognised six months later. Then, with the apparent blessing of immigration officials, she married Ganesh, a Tamil refugee she met in Brisbane, moved to Melbourne and enrolled her two boys at Mill Park Primary before ASIO deemed her a security risk.

A High Court challenge to her indefinite detention found an error of law had been made in her case, but did not reopen the question of whether her indefinite detention was lawful.

Mr Manne said the family had endured "profound distress" while she was in detention and she remained concerned about those whose adverse security assessments remained in force.

Trevor Grant, a convenor at the Tamil Refugee Council said: "We are overjoyed to see Ranjini released. I spoke to her by telephone last night and she was laughing and giggling so much it was hard to understand her.

"She has shown great courage and resilience, being forced to bring up three children behind bars for most of her time in Villawood. Her husband Ganesh has been equally strong. We are confident they will recover.

"But justice still has not been done. As the UN demanded more than two years ago, all these indefinitely detained refugees not only have to be released but also compensated. We will continue to campaign for this."

Mr Grant said the incarceration of more than 50 ASIO-negative refugees, most of whom were Tamil, had been a stain on this country's democracy. "As far as we are concerned, it was part of a political stunt designed to scare off Tamil asylum-seekers," he said.

<http://www.brisbanetimes.com.au/federal-politics/political-news/free-at-last-ranjini-is-deemed-not-a-security-threat-after-all-20151113-gkyngv.html>

9. Australia's human rights record to be scrutinised by United Nations

ABC News Online

By political reporter Stephanie Anderson

Posted Mon 9 Nov 2015, 4:13pm

Australia's human rights record is set to be scrutinised by the United Nations overnight as part of the four-yearly review undertaken in Geneva.

The periodic evaluation by the UN Human Rights Council coincides with an outbreak of violence in one of Australia's immigration detention centres on Christmas Island, where detainees set multiple fires and destroyed facilities after the death of an Iranian refugee.

It also comes less than two months after the UN's special rapporteur on the human rights of migrants cancelled a planned visit to Australia amid concerns over the restrictions on reporting abuse within offshore centres.

The Human Rights Law Centre's Director of Advocacy and Litigation, Anna Brown, said Australia can expect to face a grilling overnight.

Ms Brown said Australia's relationship with the UN had taken some blows in recent months.

"We had a PM who said Australians were sick of being lectured to by the UN, we've had a UN investigator forced to cancel a visit to Australia due to a lack of cooperation from the Government," she said.

"So we really need to make the most of this opportunity to repair the damage."

In a submission to the periodic review, Human Rights Watch called on the UN to enforce an end to Australia's policy of mandatory detention for asylum seekers.

The organisation also recommended that Australia amend the Marriage Act "to remove any legal barriers for same-sex couples to marry".

"Despite increasing public support for same-sex marriage in Australia, marriage remains restricted to opposite-sex partners," it read.

"Some states and territories have moved to develop laws recognising same-sex marriage, however only one territory actually enacted laws, and in December 2013 the High Court ruled that these laws were inconsistent with federal legislation and therefore invalid."

The review comes less than two months after Foreign Minister Julie Bishop announced Australia intended to bid for a place on the council for the 2018-20 term.

<http://www.abc.net.au/news/2015-11-09/australias-human-rights-record-to-be-scrutinised-by-un/6925500>

10. Australia's asylum seeker policies heavily criticised at UN Human Rights Council review

ABC News Online

By Europe correspondent Lisa Millar

First posted Tue 10 Nov 2015, 3:45am

Updated Tue 10 Nov 2015, 5:08am

Australia's asylum seeker policies have been heavily criticised at a session of the UN's leading human rights body in Geneva.

More than 100 countries spoke during the three-hour session, with many calling on Australia to abide by international law.

Australia's border control policies, which have seen asylum seekers — including children — detained on Christmas Island, Manus Island and Nauru were a key point of contention.

The criticism came amid unrest on Christmas Island following the death of an asylum seeker who tried to escape the immigration detention centre.

This is the second time Australia has faced a periodic review by the Human Rights Council, which looks at every country's record once every four years.

"We remain concerned about Australia's protection of the rights of migrants, especially of women and children at offshore facilities," Turkey's delegate told the review.

Sweden's delegate told the session that Australia was the only country in the world that used offshore processing and mandatory detention of asylum seekers.

"Norway remains concerned about reported conditions for asylum seekers detained in offshore processing centres. Norway recommends that asylum seekers claims are processed in accordance with the UNHCR convention," Norway's delegate said.

Similar criticisms were heard from countries including the United States, Britain, Canada, Fiji, France, Germany and Switzerland.

Policies have saved lives at sea: Australian delegation

Australia's delegation, which included former immigration minister Philip Ruddock, was given several opportunities to respond.

Official Steve McGlynn said Australia's border policies had saved countless lives at sea.

"The ensuring substantial and sustained reduction in maritime ventures as a result of Australia's managed approach to migration has resulted in Australia being able to settle more refugees for our humanitarian programs," he said.

Benedict Coyne, from the national committee of the Australian Lawyers for Human Rights, said there was a very high level of concern about the mistreatment of asylum seekers.

"There were a number of states that were, basically, asking that the camps and the detention centres on Nauru and Manus be closed immediately, and all children be removed from detention centres," he told RN Breakfast from Geneva.

"That was absolutely a main theme of concern, as were protecting the rights of indigenous people."

Professor Sarah Joseph from the Castan Centre said the review was dominated by concern over Australia's asylum seeker policies, including at least 60 recommendations to end or alleviate asylum seeker boat turn-backs, mandatory detention and offshore processing.

"Australia's treatment of asylum seekers has drawn the attention of nations from every region of the world. Today it was manifestly clear that we are not role models on issues of asylum. We are pariahs," she said.

Discrimination against Indigenous people was another concern raised during the review, with Denmark flagging concern at the "the high percentage of Aboriginal children between the ages of 10 to 12 years held in detention centres".

Australia recently launched a bid for a seat on the council for a three-year period starting in 2018.

<http://www.abc.net.au/news/2015-11-10/australias-asylum-policies-heavily-criticised-at-united-nations/6926032>

11. Countries line up to criticise Australia for its treatment of asylum seekers

The Age
November 10, 2015 - 9:20AM
Nick Miller

Geneva: Australia has copped a barrage of criticism at a United Nations human rights forum over its treatment of asylum seekers on the high seas and in offshore detention centres.

But Australia was defiant as dozens of countries called on it to wind back or end boat turn-backs and mandatory detention, and grant refugees their full rights.

Australia's delegation, which included MP Philip Ruddock, insisted that turning back asylum seeker boats and putting asylum seekers in overseas detention centres was necessary, and had saved lives.

The UN Human Rights Council's official review of Australia's human rights policies took place at the Palais des Nations in Geneva on Monday. The scrutiny comes at a time when Australia is vying for a two-year term on the council.

During the review, representatives from more than 100 countries gave recommendations on how Australia should improve its human rights record.

Countries including Brazil, Turkey, Spain, Sweden, Switzerland, Bangladesh - even Rwanda, Iran and North Korea - expressed concern over Australia's treatment of refugees.

The presence of women and children asylum seekers in detention centres came in for particular criticism.

Many countries called for Australia to ratify 'OPCAT' – an international convention against torture, which would expose offshore asylum seeker detention centres to new international oversight and review.

Countries taking part in the review also noted Australia's inadequate treatment of Indigenous people, the high level of violence against women, and the spread of Islamophobia.

France's spokesman Thomas Wagner called for Australia to "develop alternatives to the mandatory detention of asylum seekers, especially when dealing with children".

Germany's representative said Australia should "critically review" offshore processing on Nauru and Manus Island.

He recommended Australia "remove children and their families, and other individuals at risk – in particular survivors of torture and trauma – from immigration detention centres".

Bangladesh's representative said Australia's response to migrant arrivals had "set a poor benchmark", calling for the repeal of mandatory detention for asylum seekers – and she was also concerned by "firsthand reports of discrimination and racism, particularly associated with Islamophobia".

The United States encouraged Australia to "ensure humane treatment and respect for the human rights of asylum seekers, including those processed offshore".

The US said the processing of refugees and asylum seekers should be "closely monitored", though it stopped short of calling for the offshore centres to be closed.

Countries not normally celebrated for their human rights records joined the criticism of Australia.

North Korea's representative said his country was "seriously concerned at continued maltreatment of and violence against the refugees and asylum seekers".

Iran expressed its "deep concern about the mandatory immigration detention regime".

And China said Australia should safeguard the human rights of "all refugees and asylum seekers who reach Australian shores".

Most countries acknowledged that Australia had made progress since its first human rights review in 2011.

However Russia pointed out that Australia had fully implemented just 10 per cent of the 145 recommendations it had accepted from that review – a statistic it plucked from this year's report by the Australian Human Rights Commission.

In pre-written responses, Australia's delegation defended government migration policy during the three-hour session.

Steve McGlynn, from the Immigration Department, said Australia was committed to strong border protection measures – and a "critical element is to send a clear message that people smugglers do not offer a path to Australia".

Fewer asylum seeker boats were attempting to reach Australia, so the policy had "saved countless lives at sea", by damaging the people smuggler trade, he said. The drop in boat numbers meant Australia was able to resettle more refugees through other channels.

Mandatory immigration detention was "viewed by Australia as vital to ensuring the integrity of our migration and visa programs", he said.

As of September 30 there were 2044 people in immigration detention, and 113 children in 'alternative detention', down from a peak of almost 2000 in 2013.

Andrew Goledzinowski, ambassador for people smuggling issues, said Australia had "experimented with the free arrival of asylum seekers by boat", which had led to people smuggling networks mobilising a flotilla of more than 800 boats.

"The seas around Australia are wider, deeper and more dangerous than even the Mediterranean," he said. "More than 1200 people of whom we are aware died in the attempt to reach my country.

"Those who criticise (Australia's) policy positions need to appreciate the reasons (for them)."

Regional processing "allows us to save lives", he said.

After the session, Mr Ruddock said he thought it was "a very positive performance by Australia and very well-received".

Professor Gillian Triggs, president of the Australian Human Rights Commission, said countries had been "courteous", and there had been recognition of schemes such as the NDIS and the Children's Commissioner. But there were "definitely common themes" of concern, she said. "About 75 per cent of recommendations were about detention centres, mandatory detention especially in relation to children and the stop-the-boats policy that failed to recognise the rights of asylum seekers... that was probably the majority view," she said.

"There is real international concern about Australia's asylum-seeker policies... (there is) a disappointment that we have strayed from our international obligations." She said Australia's response in the room had been, at some points, "deeply misleading".

Another observer, Professor Sarah Joseph of Monash University's Castan Centre for Human Rights Law, said Australia would find it hard to reject the very specific recommendations of the Council. "Given the sheer number of recommendations, this is going to be another point of pressure on the government," she said. The HRC's recommendations from the review will be made public on Thursday. They are not binding under international law.

<http://www.theage.com.au/federal-politics/political-news/un-human-rights-review-countries-line-up-to-criticise-australia-for-its-treatment-of-asylum-seekers-20151109-gkusj4.html>

12. Australia grilled on refugees by UN

Australia's treatment of asylum seekers and its controversial offshore detention policy have come under fire at the UN Human Rights Council in Geneva.

SBS News
10 Nov 2015 - 7:06am
Source: AAP

Australia has come under global fire for its boat turnback and offshore detention policies at a UN Human Rights Council performance review in Geneva.

But the Australian delegation on Monday vigorously defended the policies, saying they saved lives at sea and allowed Australia to take in many thousands of refugees through proper channels.

The review session took place as Australian authorities worked to calm tensions at the Christmas Island detention centre after the death on Sunday of an Iranian Kurdish asylum seeker who escaped from the facility.

Given the chance on Monday to comment on Australia's human rights performance, country after country raised the issue of Canberra's controversial asylum seeker policies, many highlighting the detention of children as a key issue.

Germany's Franck Jarash urged Australia to remove children and their families from migrant detention centres "in particular survivors of torture and trauma" and to review offshore detention of migrants in Nauru and on PNG's Manus Island.

Ireland's delegate also expressed concern at child detention and at Australian restrictions that recently deterred a UN rights official from visiting the detention centre on Nauru.

Guatemala's delegate criticised the "pushback of boats" by Australia without proper assessment of whether asylum seekers aboard required protection.

And Egypt's Mohammed Elmolla said reports of "racial discrimination and violence, rising Islamophobia, mandatory immigration detention and the policy of pushback of migrants, refugees and asylum seekers' boats in international waters require serious and prompt attention."

Other countries to raise concerns about Australia's asylum seeker policies were the United States, Canada, France, Greece, Sweden, Denmark, Japan, Iceland, Iran, Pakistan and Kenya.

Australian delegation head John Reid of the attorney-general's department told the council that Australia's strong border protection measures had "most importantly saved lives at sea" but also enabled it to maintain significant refugee settlement programs.

He said Australia recently committed to take in 12,000 refugees from the conflicts in Syria and Iraq.

Steve McGlynn of the Immigration Department said the strong measures sent "a clear message that people smugglers do not offer a path to Australia".

Andrew Goledzinowski, ambassador for people smuggling issues, said more than 1200 migrants had died in attempts to reach Australia by boat, prompting the Australian community to decide it could "no longer tolerate such a level of carnage".

He said the deterrent policies introduced meant that in the last 18 months the number of asylum seekers who had died at sea was zero.

Mr Goledzinowski assured the council that "no asylum seeker who engages our protection obligations is ever returned to a situation of danger".

Many delegates on Monday also expressed concerns about Australia's treatment of its indigenous peoples, including high incarceration rates for young Aboriginal men.

Mr Reid said gaps between indigenous and non-indigenous Australians in key life indicators remained "unacceptably wide" and more needed to be done.

In response to another concern the Australian delegation reported that Canberra was actively considering whether to ratify the Optional Protocol to the Convention Against Torture (OP-CAT).

<http://www.sbs.com.au/news/article/2015/11/10/australia-grilled-refugees-un>

13. UN countries line up to criticise Australia's human rights record

Three hundred recommendations put forward by 110 nations, with treatment of asylum seekers and Indigenous Australians dominating concerns

The Guardian
Ben Doherty
Tuesday 10 November 2015 10.38 AEDT

Australia's human rights record has been scrutinised by more than 100 countries at the UN, with the treatment of asylum seekers and Indigenous people drawing particular criticism.

Australia is being assessed before the universal periodic review, a quadrennial assessment of countries' human rights record by the UN human rights council.

One hundred and ten countries spoke at Australia's session in Geneva overnight, putting forward 300 recommendations for the country to improve its human rights record.

Because of the large number of countries who wanted to comment on Australia – more than half of the countries of the UN – each nation had only 65 seconds in which to address the broad issue of Australia's human rights regime.

The issue of asylum seekers dominated concerns.

Indonesia – with whom relations have been strained over Australia's asylum boat turnbacks – urged Australia to “ensure that the issues of refugees and asylum seekers are addressed in line with the principles of the Bali process and Australia's other human rights obligations”.

India, a country to where Australia tried to return 157 Sri Lankan asylum seekers, said Australia should review its mandatory detention policies and ensure refugees were never sent back to places where they might face persecution.

And Turkey, which hosts nearly 2 million refugees, said Australia had to immediately cease transferring asylum seekers to third countries.

Britain welcomed Australia's adoption of the recommendations of the Moss review into conditions on Nauru, while the US, noting Australia's historical commitment to human rights, said it was concerned by the treatment of asylum seekers.

“We encourage Australia to ensure the humane treatment and respect of asylum seekers including those processed offshore in PNG and Nauru ... [Australia should] closely monitor the processing of asylum seekers and refugees in offshore processing centres to ensure their human rights are respected.”

Even North Korea, a country with perhaps the most egregious human rights record on earth, criticised Australia: “We still have serious concerns at the continued reports of ... violence against refugees and asylum seekers and violation of the human rights of Indigenous peoples in Australia.”

Australia sends, or is planning to send, asylum seekers and refugees to Nauru, Papua New Guinea, Cambodia and Kyrgyzstan. None of those countries spoke in Geneva.

Prof Sarah Joseph, director of the Castan centre for human rights law, said Australia's treatment of asylum seekers had drawn the attention of nations from every region of the world. “Today, it was manifestly clear that we are not role models on issues of asylum, we are pariahs,” she said.

“The Australian delegation justified the policy on the same lines as the government: stopping drownings at sea, combating people smuggling and prioritising UNHCR refugees. However, there was little indication that the international community bought these excuses.”

Australian efforts to improve the rights of Indigenous people, in particular the proposal for a constitutional referendum on formal recognition, were praised by a number of countries.

But there were serious concerns raised about Indigenous health, education, housing and employment. Countries including Ireland, Norway, Denmark, Canada, Uruguay, Kenya and Paraguay flagged the overrepresentation of Indigenous Australians in the criminal justice system.

“While meaningful constitutional recognition is an important issue for Australia, the world recognises that we are closing the gap between Indigenous and non-Indigenous Australians far too slowly,” Joseph said.

The Australian delegation said it welcomed a “vigorous, wide-ranging, and balanced debate on human rights” and respected the advocacy of human rights defenders.

John Reid, first assistant secretary at the Attorney General's Department, said Australia remained “committed to protecting human rights both at home and abroad” but conceded that challenges remained, including the gap in key life indicators between Indigenous and non-Indigenous Australians, and controlling irregular migration flows.

“Australia's strong border protections measures have played a key role in enabling the government to maintain meaningful and significant humanitarian settlement and assistance programs,” he said.

“Such strong policies have also ensured public confidence in a well-managed migration program but, most importantly, Australia's measures have saved lives at sea.”

Tamara Lions from Amnesty International Australia said Australia's defence of its boat turnbacks policy – that it saved lives at sea – was “tragically untrue”.

“Amnesty’s recent report, Deadly Journeys, shows that boats of refugees are still making dangerous journeys in our region,” she said. “In May 2015, up to 8,000 people were estimated to have been stranded at sea. Over 1,100 people died in the Bay of Bengal and Andaman Sea between the start of 2014 and mid 2015.

“Australia misrepresents the problem when it says there have been no deaths – people are dying by the hundreds in seas in our region, just not in Australian waters.”

She added: “In the UPR session, many countries acknowledged Australia’s efforts in some areas such as the NDIS [national disability insurance scheme], but they then went on to raise a raft of concerns. The international community is clearly aware of Australia’s human rights failings and there is no doubt that this has affected our international reputation.

“Australia has a long way to go to mend its international reputation on refugees before it can be seriously considered for a seat on the 2018 human rights council.”

The Human Rights Law Centre’s director of advocacy and litigation, Anna Brown, said Australia’s efforts to demonstrate leadership on topics such as the death penalty and the rights of older people had been overshadowed by the wave of condemnation on policies of mandatory detention, offshore processing and boat turnbacks.

“Australia’s potential to be a human rights leader is being completely undercut by its tremendously harsh treatment of people seeking asylum,” she said. “Last night at the UN there were calls from nations in every region and political grouping in the world for Australia to change its policies.

“At a time when there is an unprecedented number of people around the world in need of safety, a wealthy democratic nation like Australia should be part of the solution but instead we are rightfully being condemned on the world stage for being part of the problem.”

She added: “The government’s generally constructive and positive approach to its review last night was undermined by its one-eyed and shallow justification for its treatment of people seeking asylum. Fronting a forum like this and just repeating a tired mantra won’t fool anyone – it actually just damages our international credibility.”

But she welcomed the federal government’s “commitment to ending discrimination against lesbian, gay, bisexual, transgender and intersex people, which will ensure that many state laws, such as those governing adoption, will be improved over the coming months”.

The Australia director at Human Rights Watch, Elaine Pearson, said countries “from every corner of the globe” had pressed Australia to address discrimination against Indigenous people and to safeguard the rights of refugees and asylum seekers.

“A number of states called on Australia to end abuses related to offshore processing and pushbacks of boats, as well as mandatory detention of asylum seekers,” she said. “Now it’s up to Australia to see if it will seriously commit to addressing these concerns.

“We hope this is not a repeat of last time round, where Australia accepted a good number of recommendations but failed to implement some of them, especially on rights of asylum seekers and refugees.”

<http://www.theguardian.com/law/2015/nov/10/un-countries-line-up-to-criticise-australias-human-rights-record>

14. Labor backs MP Melissa Parke's call to improve conditions at offshore immigration detention centres

ABC News Online

By political reporter Stephanie Anderson

First posted Tue 10 Nov 2015, 8:02am

Updated Tue 10 Nov 2015, 10:44am

The Federal Opposition has pledged to improve the conditions at offshore immigration detention centres if elected at the next federal election.

Labor also committed to negotiating with the governments of Nauru and Papua New Guinea to introduce independent oversight of the centres, as part of a heavily edited motion presented to caucus by MP Melissa Parke today.

Ms Parke had initially called for the closure of offshore immigration detention centres if conditions for detainees could not be improved.

Her motion was accompanied by a petition signed by more than 250 notable Australians, including former immigration minister Ian McPhee.

The motion was passed with significant changes, including the deletion of the sentence which called on the Government to "immediately ensure the conditions of offshore detention meet with human rights standards and independent oversight or, if the Government is unable or unwilling to implement these standards, to close the centres on Manus Island and Nauru forthwith".

Caucus also removed the description of reports of abuse within the centres as "credible", replacing it instead with "serious and concerning".

The motion also read that "Labor in government will ensure the conditions of offshore processing meet with human rights standards and negotiate with PNG and Nauru for independent oversight of these facilities and calls on the government to do the same".

Speaking to the ABC ahead of today's meeting, Ms Parke described the offshore centres as "gulags".

She also cited the United Nations' criticism of Australia's asylum seeker policies, given overnight during a session in Geneva.

"There's a very strong group within the party that's very opposed," she said.

"I think it's obvious to any fair-minded person that conditions on Nauru and Manus are ghastly."

Ms Parke also criticised the "culture of secrecy" involved in immigration detention, echoing comment by shadow immigration minister Richard Marles in calling for greater transparency.

Speaking in the wake of unrest on Christmas Island, Mr Marles told the ABC on Monday that the Turnbull Government needed to reverse its "terrible" track record of transparency and confirm what was happening.

"There are people inside, we need to know that they are safe," he said.

"This government doesn't have a very good track record when it comes to transparency around the running of the facilities."

The facilities and policies have been defended to the UN overnight, with official Steve McGlynn saying strong borders had saved countless lives at sea.

"The ensuring substantial and sustained reduction in maritime ventures as a result of Australia's managed approach to migration has resulted in Australia being able to settle more refugees for our humanitarian programs," Mr McGlynn said.

<http://www.abc.net.au/news/2015-11-10/labor-pledges-to-improve-offshore-detention-centres/6926612>

15. The Who's Who Of Australia Call On Labor To Reset Its Refugee Policy

New Matilda
By Max Chalmers
November 10, 2015

Peter Carey, Margaret Pomeranz, Ian Chappell and several hundred other prominent Australians have backed a small group of rebel MPs battling to shift the Labor Party's stance on refugees. Max Chalmers reports.

Some of nation's most iconic names in sport, the arts, science, the legal profession and academia have joined forces to call on the Labor Party to change track on refugee policy.

The group, which now boasts 258 members, has petitioned the party to vote in favour of a motion going before caucus today demanding either greater independent oversight over offshore detention centres, or their complete closure.

It includes artists, film-makers, religious leaders, academics, doctors, writers, journalists, composers, union leaders, human rights and refugee activists, CEOs, lawyers, even a former Labor state premier and a federal Liberal immigration minister.

Among the members are former Australian cricket captain Ian Chappell, former News Corp executive Kim Williams, National Living Treasure and businesswoman Janet Holmes à Court, New Matilda founder and former high ranking public servant John Menadue, human rights lawyer Julian Burnside, and journalist Tracey Spicer.

Joining them are scores of prominent writers, artists and performers including Peter Carey, Tim Winton, Geraldine Brooks, David Williamson, Thomas Kenneally, Miriam Margolyes, Richard Roxburgh, John Bell, Kate Miller-Heidke, Missy Higgins, and Benjamin Law.

ACTU President Ged Kearney, Australia's first Aboriginal barrister Pat O'Shane, and film critics Margaret Pomeranz and David Stratton have joined the list.

The 2015 Sydney Peace Prize winner, film-maker George Gittoes AM has also attached his name.

Core members of the group have been working behind the scenes to change the views of those in the Labor's parliamentary wing, and help break the bipartisan consensus on boat turnbacks and mandatory offshore detention.

Robin de Crespigny, author of *The People Smuggler* and a driving force behind the project, told New Matilda the idea had come after a conversation with late Prime Minister Malcolm Fraser, at a writer's festival event.

The group that resulted, which goes by the name of Citizens for Change on Asylum Seekers (CCAS), now includes Ian McPhee on its consultants committee, the man who served as Fraser's Minister for Immigration from 1979 to 1982. Former West Australian Premier Carmen Lawrence is a member, and it's also found support among a significant number of medical and health professionals including former Immigration detention worker turned whistleblower, Dr John-Paul Sanggaran.

De Crespigny admits CCAS has not found an overwhelmingly sympathetic ear within Labor, especially from Shadow Minister for Immigration Richard Marles, who so far has not met with the group.

After failing to convince Labor to reject the Coalition's policy of boat turnbacks at its national conference in July, CCAS has now implored the party to vote in favour of a motion challenging offshore detention, spearheaded by Fremantle MP Melissa Parke.

The motion that will go before Labor's caucus today asks the party to "...call upon the government to immediately ensure the conditions of offshore detention meet with human rights standards and independent oversight or, if the government is unable or unwilling to implement these standards, to close the centres on Manus Island and Nauru forthwith."

New Matilda understands the motion will be seconded by NSW MP Jill Hall, and backed by a small group including Anna Burke, Claire Moore, and Lisa Singh.

The group yesterday drew praise from the Australian Churches Refugee Taskforce, who dubbed the quintet "brave", and encouraged their colleagues to back the motion.

Despite those calls the motion is still expected to fail, as a similar attempt did in 2014.

The renewed effort to spark a shift within Labor on refugee policy comes after Australia faced a number of questions over its treatment of refugees and asylum seekers at the UN overnight.

The hearing, which included an appearance by Howard-era Immigration Minister Philip Ruddock, was part of Australia's Universal Periodic Review, during which the UN Human Rights Council questions nations over their record.

Of the 29 questions listed in advance of the review by other states, five related to asylum seekers, outnumbered only by the seven questions on 'Indigenous issues'.

De Crespigny said Australia's treatment of refugees had not only embarrassed the country overseas, but changed the character of the nation.

"I don't think human beings can keep punishing other human beings without it changing you as a person," she said.

Acknowledging the composition of the MPs understood to be backing Parke's motion, she noted it had been easier to gain appointments with women in the party than their male counterparts.

"I just found an incredible difference," she said. "The women were going 'yes, let's talk about this.'"

<https://newmatilda.com/2015/11/10/the-whos-who-of-australia-calls-on-labor-to-reset-its-refugee-policy/>

16. If You Read Just One Open Letter Opposing Labor's Cruelty...

In an open letter to the Labor Party caucus, Liam McLoughlin lays bare the lies, cynicism and political cowardice that underpins the party's position on asylum seekers.

New Matilda
By Liam McLoughlin
November 10, 2015

Dear members of the Australian Labor Party Caucus,

I imagine you are decent, thoughtful and compassionate people in your private lives. I imagine you joined the Labor Party because you believe in its progressive values, like 'fairness' and 'being a good global citizen'. I imagine you are committed to making a contribution to public life and perhaps even hope to make the light on the hill burn a little brighter.

I imagine this, even in the face of the depressing reality: most of you have again voted to support offshore processing. Yet again you have consented to some of the most heinous human rights abuses this country has ever seen. And we've seen a few.

You've read about Fazel Chegeni's suspicious death on Christmas Island after a serious decline in his mental health. You've heard about Khodayar Amini, who set himself on fire and whose body was later found in Dandenong bushland. You know about Reza, found dead at Brisbane airport and Mohammad Nasim Najafi, who took his own life at the Yongah Hill centre. You know the names of Reza Barati and Hamid Kehazaei. You may have forgotten the names of the more than 30 other innocent people who have died in detention since 2000, but you must feel the pervasive sense of tragedy. Perhaps the mounting body count even haunts you.

Full story at <https://newmatilda.com/2015/11/10/if-you-read-one-open-letter-opposing-cruelty-to-asylum-seekers-make-sure-its-this-one/>

17. Border Force spends big on media training after Operation Fortitude fiasco

The Age
November 15, 2015 - 12:15AM
Adam Gartrell

You've heard of Border Force. Now get ready for Talk Force.

Following August's Operation Fortitude fiasco, the Department of Immigration and Border Protection is paying a company called Talkforce Media and Communications Strategists \$79,000 to provide media training to its top executives, new government documents reveal.

Talkforce trains clients to deal with "difficult media situations" and manage "controversial issues and close media scrutiny". Its full-day workshops include mock television interviews that teach clients "how to take control of an interview, even when under pressure".

"Talkforce Media and Communications Strategists can help you tailor and direct messages to your audience in order to be heard over all the competing noise that exists in this modern and technology-driven age," it says on its website.

All the department's top executives will receive the training over the coming months. The department says such "media awareness training" is common across the public service.

"This was an observation made in the internal review of the department's media-response procedures following Operation Fortitude," a spokesman said in a statement to Fairfax Media.

The Australian Border Force is the department's frontline operational agency.

It shot to prominence in August when it spoiled a police operation in Melbourne by suggesting it would be stopping people for random visa checks, sparking a public backlash.

ABF commissioner Roman Quaedvlieg blamed a "clumsily worded" press release that mischaracterised the agency's role. But critics lampooned the agency on social media and labelled it Border Farce.

Talkforce has also provided media and strategic advice to the Australian Crime Commission, Australian Federal Police and the Department of Veterans' Affairs in recent years.

But the immigration contract is by far the most lucrative. According to the tender documents, the media training has already commenced and will continue until the middle of next year.

The spokesman said a standard tender process was run in the normal way and companies were evaluated based on the value for money, including price, capability and capacity to deliver the services.

Talkforce is run by former radio personality David Marshall and former journalist Kristen Connell. The department already spends millions on its in-house spin doctors. Documents released last year showed the department and its agencies spend up to \$9.2 million on communications staff salaries alone.

Labor's waste watch spokesman, Pat Conroy, said Immigration Minister Peter Dutton's tenure had hit "Monty Python-esque levels of stupidity". "The Australian people have zero confidence in minister Dutton and wasting taxpayers' money like this only reinforces that sentiment," he said.

<http://www.theage.com.au/federal-politics/political-news/border-force-spends-big-on-media-training-after-operation-fortitude-fiasco-20151113-gkyvxz.html>

18. Perth medical professionals rally against children in immigration detention

ABC News Online

By Briana Shepherd

Posted Fri 13 Nov 2015, 4:27pm

More than 100 health care professionals have rallied against children in detention outside Princess Margaret Hospital (PMH) in Perth.

The group consisted of nurses and doctors, all calling for the immediate removal of children from immigration detention.

The movement, called #DetentionHarmsChildren, has already seen rallies in Melbourne, Brisbane, Sydney and Darwin.

The PMH Refugee Health Service (RHS) provides care to refugee and asylum seeker children and adolescents.

Kristen Lindsay, a paediatrics registrar for the neo-natal unit at Fiona Stanley Hospital, said she had been inspired by what the rest of the country had been doing.

"Children are our future and our hope for a better future, and they should be protected."

The group said in a statement that while the number of children in detention had dropped, there were still kids and families detained.

A recent report by the Australian Human Rights Commission revealed 34 per cent of children in detention centres had serious mental health disorders, compared with 2 per cent in the Australian population.

According to a spokesperson for the RHS, it receives about 300 referrals for care each year, and since October 2012 had managed 141 asylum seeker children from detention.

Dr Andrew Martin, Head of PMH's general paediatrics department spoke at the rally.

Mr Martin said no period of time in detention was safe.

"Health staff regularly witness the breaches of children's rights and the widespread detrimental effects of detention on health and well-being," he said.

"Children and adolescents commonly present with bed-wetting, nightmares, psychological distress, developmental regression, self-harm, anorexia and headaches.

"Mandatory detention is destroying children's lives and families, with effects continuing years after release."

Rally 'consistent' with hospital's values

In a statement, acting executive director at PMH Dr Gervase Chaney said the hospital supported its clinicians' right to advocate for the well-being of children in detention.

"This action is consistent with our health service's values of compassion, respect, equity, integrity and excellence; and its commitment to improving health outcomes for all children and young people in WA," Dr Chaney's statement said.

"Our staff are experts in the field of child health and have a unique insight into the impact detention has on the mental and physical wellbeing of children and their families."

Those involved in the rally today said they wanted to send a message to Canberra, using their background as health professionals to add weight to the message that detention harmed children.

Neo-natal registrar Kristen Lindsay spoke to the crowd, finishing her speech with a poem she said was written by a Kenyan-born Somali.

'No-one leaves home unless home is the mouth of the shark;
You only run for the border when you see your whole city running as well;
You have to understand that no-one puts children in a boat unless the water is safer than the land.

<http://www.abc.net.au/news/2015-11-13/medical-professionals-rally-against-children-in-detention/6940118>

19. Children on Nauru break rules to launch Facebook page: 'We want everyone to hear our voices'

ABC News Online

By Jessica Longbottom

First posted Fri 13 Nov 2015, 8:24am

Updated Fri 13 Nov 2015, 8:32am

Refugee and asylum seeker children on Nauru have started a campaign to get off the island, launching a Facebook page they hope will connect them with everyday Australians and give them a face.

The page, Free the Children NAURU, is curated by a group of children living both in the community and in the detention centre.

The administrators of the group want to remain anonymous for fear the page might be shut down, as children inside the camp are not allowed smartphones, while no one in the country is meant to use Facebook.

"We started the page because we want to show everyone around the world that we are not forgotten children and not just numbers here in Nauru," a teenager from the group told the ABC.

"We want everyone to hear our voices and the situation we going through.

"We thought if we create this page, many other peoples can see us and feel in our shoes."

The children hope teachers in Australia will share the page with their classes so they can communicate with other children.

Many asylum seeker and refugee children do not go to school on Nauru, complaining about teaching standards at local schools and harassment from other students.

A school that operated in Nauru's detention centre, and was staffed by Australian teachers, was closed in April.

"I am trying to get out the story of the kids and other teenager in here I want those teenagers who is reading our story to share this around ... about the kids from detention in Nauru," the member of the group said.

"Every moment spent in here is full of painful (sic). I feel like our future is bleak. We hope for people to care."

The page shares the stories of various children living on Nauru, as well as their photos, poems and audio messages.

The latest figures from the Department of Immigration show 92 children remain in detention on Nauru, awaiting refugee assessment.

Official figures detailing how many children have been declared refugees and live on Nauru were not available, but the ABC understands they number at least 80.

Children who have been declared refugees either live in the community, or in the detention camp while they wait for accommodation to be built for them and their families elsewhere on the island.

Within Australia, 77 children remain in detention centres.

<http://www.abc.net.au/news/2015-11-13/asylum-seeker-children-on-nauru-use-social-media-to-reach-out/6938256>

20. Senate committee to probe spy operation targeting Sarah Hanson-Young

The Age

November 10, 2015 - 6:37AM

Michael Gordon

The Senate's most powerful committee is set to probe whether senior government, Transfield Services and Wilson Security officials gave false or misleading evidence about an alleged covert surveillance operation involving Greens senator Sarah Hanson-Young on Nauru.

The President of the Senate, Liberal Stephen Parry, cleared the path on Monday for the privileges committee to investigate whether evidence on the scale of the operation constituted a contempt of Parliament.

Senator Parry said a letter from Greens leader Richard Di Natale raised the prospect that a select committee investigating conditions on Nauru had been given false or misleading evidence about the scope of the spying.

The privileges committee will also investigate a complaint by Labor Senator Alex Gallacher that Wilson Security engaged in "deliberate and continual obfuscation" in its evidence to the same select committee.

"Only the Privileges Committee has the requisite authority to make findings of fact and recommendations to the Senate about questions of contempt after a thorough examination of the evidence in accordance with privilege resolutions," Senator Parry told the chamber.

"I am satisfied that both matters of privilege meet the criteria I'm required to consider and I've therefore determined that they should have precedence."

Senator Di Natale has called for negotiations with Transfield Services and Wilson Security to renew their contract to provide services on Nauru to be suspended "until the matter is thoroughly investigated".

While the Senate has the power to issue fines for contempt of Parliament, it has never done so, choosing instead to admonish those found to have compromised the work of committees by giving false or misleading evidence.

Senator Di Natale and Senator Gallacher will formally move for the referral to the Privileges Committee on Tuesday.

In his letter seeking the probe, Senator Di Natale cited evidence from the Department of Immigration and Border Protection and representatives from Wilson Security and Transfield Services during public hearings on June 9 and July 20 this year.

The evidence followed a submission from a former Wilson Security employee alleging that the company had organised a group from its Emergency Response Team to spy on Senator Sarah Hanson-Young throughout her visit to Nauru.

The secretary of the department, Mr Michael Pezzullo, subsequently stated that his department had investigated the matter and found that one rogue Wilson employee instructed two other Wilson employees to monitor Senator Hanson-Young's car overnight while it was parked outside her hotel.

At the public hearing on 20 July 2015, representatives of Wilson Security and Transfield Services denied the spying went any further than outlined by the department at the hearing on June 9.

It has since been alleged by a number of former guards that the operation involved up to eight members of the Emergency Response Team and continued for the full three days Senator Hanson-Young was in Nauru, with guards ordered to photograph her and make notes about who she met with.

Senator Di Natale said the issue was extremely serious in nature and deserved "a thorough and detailed examination of the facts".

"The fact that an Australian Senator appears to have been spied on while doing her duty should concern anyone who cares about democracy and the possibility that a Senate committee may have been lied to about these matters is shocking."

<http://www.theage.com.au/federal-politics/political-news/senate-committee-to-probe-spy-operation-targeting-sarah-hansonyoung-20151109-gkumv4.html>

21. Federal Government repatriates former military interpreter to Iraq, despite fears his life is in danger

ABC-TV - Lateline

By Steve Cannane and Brigid Andersen

First posted Mon 9 Nov 2015, 3:12pm

Updated Mon 9 Nov 2015, 3:20pm

A former interpreter for Coalition forces has been sent back to Iraq by the Australian Government despite fears he will be a marked man on his home soil.

The young man, who we will refer to as Khaled to protect his identity, agreed to be repatriated after spending two years in Villawood and Christmas Island detention centres with no sign he would be released back into the Australian community.

He told Lateline conditions at the Christmas Island detention centre, where a major disturbance is currently underway, were so bad he felt he had no choice but to return to Iraq.

"They said to me if I don't sign the removal I am going to be stuck in Christmas Island for a very long time," he said.

Despite protests from Khaled, the Federal Government sent him back to the southern Iraqi city of Basra, where he said his father was murdered in front of him for also working as an interpreter.

The Government also charged Khaled \$20,000 to cover the costs of his repatriation.

Khaled spoke to Lateline via Skype shortly after he arrived back in Iraq.

"It is very dangerous. Every now and then there is an explosion and there's some fire exchange with some terrorist organisation and yeah the situation is very bad here in Iraq. It's not that good," he told Lateline.

Khaled worked for the US army for a year and his record of service states he was "an invaluable asset to the team, serving with honour and distinction".

But Jane Healy, from Supporting Asylum Seekers Sydney, said Khaled and his father's jobs had put them in grave danger.

"One night they were having dinner in their home, there was a knock at the door and Khaled's father went to open the door and he was shot. He was killed. He was shot 13 times," she said.

"Khaled hailed a taxi, got him into the taxi, attempted to get him to the hospital in the hope he would be revived but he was dead on arrival."

Fearing he too would be killed for working as an interpreter, Khaled fled Iraq.

He came to Australia by boat and in 2012 he was granted a temporary safe haven visa and a bridging visa.

According to refugee advocates, Khaled was settling into his new life in Sydney, making friends and finding peace in his new surroundings.

But in October 2013, Khaled had a run-in with police.

After smoking a joint, he fell asleep in his car in the car park of McDonald's in Merrylands, in western Sydney.

Khaled arrested, sent to Villawood

Police were called and after a brief exchange Khaled was arrested, charged with offensive language, resisting police and driving without a licence.

Refugee advocates said three days later, Khaled was taken to Villawood detention centre, where he was held for eight months while he waited for his court appearance.

Two of the charges were eventually dismissed and he pleaded guilty to the third charge of driving without a licence but no conviction was recorded.

But Khaled remained locked up in detention.

Under a regulation introduced by the Rudd government in 2013, a bridging visa can be cancelled if an individual is charged with an offence.

That means an individual can be detained indefinitely even if the courts decide they are innocent.

A few months after his arrest, two psychologists diagnosed Khaled as having a complex history of psychological trauma and likely post traumatic stress disorder.

Ms Healy said Khaled developed an ice addiction inside Villawood detention centre as a result of his condition.

"It's self-medicating. He couldn't live with this incarceration. He couldn't live with the injustice," she said.

In February this year, Khaled was sent to Christmas Island.

Ms Healy said he was woken at 3:00am by men wearing riot gear.

"He was dragged out of his bed, he was not allowed to pack any of his possessions. He was not allowed to speak to anyone," she said.

"He was hand-cuffed and ankle-cuffed and he was taken straight to the airport where he was put on a plane, taken to Perth and held there for some time before then being transported to Christmas Island.

"During that time he was 12 hours in hand and ankle cuffs."

Detoxing from his ice addiction and angered by his forced removal from Villawood, Khaled lashed out and smashed a CCTV camera.

Ms Healy said he was charged with damaging Commonwealth property and faced charges on Christmas Island.

Return to Iraq

Last month, Khaled signed a form agreeing to be repatriated back to the country he fled from. Lateline obtained the waiver and believes it is the first time such a document has been published.

It includes the following statement: "I understand that the Department is unable to entirely rule out the possibility that I may be at risk of harm if I return to Iraq."

The waiver also acknowledges Khaled was one of 9,000 asylum seekers who had their personal details mistakenly uploaded to the Department of Immigration's website in 2014.

"The Department is unable to advise with certainty who may have accessed this information," it said.

Ms Healy said Khaled's life is at risk.

"This information that was leaked onto that website puts their lives at risk if they are returned to their countries," she said.

"Within Iraq now there would be an awareness — and there have been hits on that site from Iraq — there would be an awareness of his name, his date of birth, that he was in detention, where he was from in Iraq, information that could cause him enormous problems on his return."

Refugee lawyer David Manne said there needed to be to an urgent independent investigation into Khaled's case and that he needed to be evacuated to a safe place immediately.

Mr Manne is shocked by the clauses contained in the document Khaled signed before his return.

"This is the first time I've seen a waiver of this kind and it is an extraordinary document," he told Lateline.

"It raises very serious questions about accountability and legality in the administration of these policies and whether all the required steps were taken before his signature was essentially procured to send him back to such a dangerous place."

Khaled now says he regrets signing the document that led to his repatriation.

"I do regret signing it but you know I had it really hard in there and they locked me in with the criminals and put me in for a very long time," he said.

"I was a long time in detention. There was no reason to why I was detained and each and every time I tried to appeal it I got rejected or refused."

When asked about Khaled's case, Immigration Minister Peter Dutton said he would not comment on individual cases.

"The Government obviously takes a decision on individuals about whether or not we issue visas in certain circumstances and people then make their own judgments about whether they return to any country," he said.

"People would go with advice from the Department. If they're going back on a voluntary basis [they] make a decision about what is best and appropriate for them."

The Immigration Department told Lateline in a statement people who breach the conditions of their visa may be subject to detention.

The Department said Khaled requested voluntary removal from Australia and signed the appropriate paperwork in the presence of an independent witness and an accredited interpreter.

<http://www.abc.net.au/news/2015-11-09/khaled-iraq/6923434>

22. Alleged cash payments from Australian Customs vanish ahead of Indonesian people smuggling trial

ABC News Online

By Indonesia correspondent Adam Harvey

First posted Wed 11 Nov 2015, 4:27am

Updated Wed 11 Nov 2015, 5:59am

Cash payments allegedly made by Australian Customs to the crew of an asylum seeker boat have disappeared ahead of the crew's trial.

An Indonesian court on Rote Island was told that Australian Customs officials paid \$US30,000 to the crew of an asylum seeker boat so that they would sail it back.

The boat's crew members are on trial over immigration and maritime offences and could be jailed for up to 15 years.

But the cash could not be presented as evidence in their trial because it was not available.

The crew's lawyer said the police gave the money back to the crew, even though they were in custody at the time and the crew gave the money to their families.

The absence of the cash has caused major problems for prosecutors and nearly derailed the trial, which began on Tuesday.

Yohanis Humiang was in charge of a boat of 65 asylum seekers in May when it was intercepted by Australian Customs and turned back to Indonesia.

Humiang and his crew were arrested soon after they landed and are now on trial for immigration and maritime offences.

An indictment tendered to the court in Rote said an Australian Customs vessel shadowed the asylum seeker boat for two days before the crew and passengers were transferred to another boat and turned back.

The indictment said that before the turn-back the Australians gave each crew member \$US5000 (\$7,000) — a total of \$US30,000 (\$43,000).

As recently as Sunday, Immigration Minister Peter Dutton would neither confirm nor deny that any taxpayers' cash had gone to people smugglers.

But this controversial payment could not be presented as evidence in this trial. Indonesian police said they gave it back to the detained crew, who in turn had given it to their families.

The crew's court-appointed lawyer Yesaya Dae Pani told the ABC the men admitted getting the money from Australian Customs.

Case can still be made without cash: prosecutor

"But either the police investigator or the prosecutor did not seize the money as evidence," the lawyer said.

"So the money has been given to them by the police investigator, and he said to me that they have sent the money to their family in North Sulawesi. I did not see myself when the police gave the money back to my clients. It happened at the same time that the police handed over the case file to the prosecutor's office."

Prosecutor Alexander Elem Sele said the absence of the Australian cash had caused big problems for the trial. "That's why this case has been delayed for some time, and the file has been back and forth, because the money was not included," Mr Elem Sele said. "And because the detaining period is almost finished, they would have walked free. We think we still have a case that can be proven without the money. We've got other evidence which can be used to prove they sent the asylum seekers overseas."

Lives put at risk: Amnesty

Amnesty International last month alleged that Australian officials who paid people smugglers to return to Indonesia had committed a transnational crime and put lives at risk.

The boat was allegedly pushed back to Rote Island in Indonesia in late July, and Amnesty said it interviewed 15 people from Bangladesh, Pakistan and Myanmar.

But Immigration Minister Peter Dutton slammed Amnesty's report, saying the suggestion Australian officials treated asylum seekers inhumanely was "a slur on the men and women of the ABF and ADF".

Former immigration minister Scott Morrison, in June, said he knew whether Australian authorities paid people smugglers but could not talk about it publicly.

Mr Morrison, now Social Services Minister, was asked whether he knew about the practice occurring while he was minister.

"I know what we did and I know what it was about and I know it was lawful," he told Melbourne radio station 3AW at the time.

<http://www.abc.net.au/news/2015-11-11/cash-goes-missing-ahead-of-indonesian-people-smuggling-trial/6929540>

23. People smuggler payment scandal: Captain asked Australian official for 'help'

The Age
November 13, 2015 - 5:50PM
Jewel Topsfield and Amilia Rosa

Rote Island: The captain allegedly paid by Australia to return asylum seekers to Indonesia said he begged an Australian official for help because he would not receive money from a people smuggling agent unless the boat reached New Zealand.

"I told the officer, we haven't been paid, all those days sailing, all our efforts for nothing. Can you help us?" Yohanis Humiang told Fairfax Media in an interview in his cell.

Mr Yohanis also revealed Australian authorities had not believed the boat of 65 asylum seekers was headed for New Zealand when they intercepted it on two occasions earlier this year.

In June Indonesian police officers told Fairfax Media the asylum seeker boat, Andika, was intercepted by the navy warship HMAS Wollongong and an Australian customs boat in international waters on May 21.

However, they say the payments to the six crew allegedly made by an Australian official, Agus, took place on board the boat several days later near Greenhill Island in the Northern Territory. The asylum seekers and crew were later transferred to two other boats, Jasmine and Kanak, for the return journey.

The Rote Ndao court this week heard six boat crew members were paid more than \$US30,000 (\$42,000) to return the asylum seekers to Indonesia – a payment prosecutor Alexander Sele described as "the alleged bribery money by the Australian government".

Mr Yohanis said the police had returned the crew's money, preventing it from being presented as evidence during the court trial. "I already sent it to my family back home," he said.

The captain, who is facing a maximum of 15 years' jail on people smuggling charges, said he didn't know the punishment would be this heavy.

"I was told by the boss that I will get three months at the most, then I will get deported. I wasn't planning on leaving my family for this long. I really regret this, we all regret it."

A damning Amnesty International report last month found all the available evidence pointed to Australian officials committing a transnational crime by effectively directing a people smuggling operation in May this year, paying a boat crew and then instructing them where to land.

Immigration Minister Peter Dutton did not deny the payments took place when questioned on the ABC's Insiders on Sunday.

"People can draw their own conclusions. The point that we've made consistently is that we don't comment on operational matters. Suffice to say that our officers operate within the law to stop the boats, stop them we have and we're not going to allow people smugglers to get back into business," he said.

However some public officials – such as those from the Australian Secret Intelligence Service – may have immunity from prosecution under Australian law.

Luhut Panjaitan, Indonesian Coordinating Minister for Political, Legal and Security Affairs, told Fairfax Media that people who smuggled asylum seekers to Australia should not be "accommodated".

"Well they want the big money, that's why they smuggled people to Australia, then you countered by giving money to the owner of the boat," he said.

"If you say 'incentive', they can also put the word 'you bribed them' in order to do so. So, I think we have to be careful on this one. I think we look for another approach to solve the problem. We can discuss it, we have to discuss it openly, instead of just [saying] 'you have your own policy, we have our own policy'.

The Amnesty International report also called for an investigation into a second case of possible payments to crew intercepted by the Australian Navy and Border forces on July 25.

It says passengers became suspicious of the contents of two bags they had not seen before which had been given to the captain and crew by Australian officials.

However Indonesian police have said there is no evidence of Australian officials making a payment on the second occasion. Asylum seekers interviewed by Fairfax Media said while one of the bags contained a mobile phone and a walkie-talkie, they simply didn't know what the second bag contained.

"We didn't see inside the other bag, we don't know," said Bangladeshi asylum seeker Mamun Parves. "We asked the captain what is in it many times, he kept saying 'It's nothing, nothing'."

Meanwhile, Kandiha Kayuran, one of the Sri Lankan asylum seekers on the first boat now living at Inaboi, an immigration hostel in Kupang, said New Zealand had ignored their plight.

"The Amnesty report is out but they stay silent," Mr Kayuran said. "New Zealand is not responding to us, we wrote to their minister, the news was covered by Radio New Zealand, but there was no response. No answer, they are not saying anything. Australia and New Zealand are the same."

<http://www.theage.com.au/world/people-smuggler-payment-scandal-captain-asked-australian-official-for-help-20151113-gkyih1.html>

24. Cash-for-visas could 'help people smugglers and hurt the economy'

Productivity Commission recommends against proposal put forward by David Leyonhjelm to charge \$40,000 for right to permanently migrate to Australia

The Guardian
Ben Doherty
Friday 13 November 2015 13.51 AEDT

A proposal to sell visas for permanent migration to Australia could open up a new market for people smugglers and would ultimately hurt the Australian economy, according to the Productivity Commission.

The commission has come out against a proposal to charge migrants \$40,000 for the right to permanently migrate to Australia.

In a draft report, the commission concedes the introduction of a price-based migration system could reduce the attraction of unlawful people-smuggling operations.

"People who would risk paying people smugglers to undertake a dangerous journey to Australia and still have no guarantee of obtaining a visa would likely be willing to pay as much, if not more, for a guaranteed permanent visa," the report says.

But it argues the new "market" could lead to the exploitation of migrants seeking money for the proposed visa fee.

"Potential migrants might also obtain loans through informal channels, such as people smuggling organisations," the report says.

"However, as the sureties for payment include holding people hostage, indentured labour of family members or the threat of reprisals for non-payment, it would be highly undesirable if a price-based system encouraged the growth of such 'services'."

The proposal to sell visas to Australia was put forward by the Liberal Democratic senator David Leyonhjelm, who said a price of \$40,000 per visa could raise \$7.5bn for Australia.

Leyonhjelm said the charge for permanent visas could fund tax cuts and address skills shortages in regional areas by encouraging communities to sponsor skilled migrants in exchange for their labour.

He said the government could offer Hecs-style loans to applicants.

"In recent years, people from the poorest countries have paid tens of thousands of dollars to get to Australia, and risked their lives to get here," he said.

"Australia could offer loans in the same way that we offer loans to poor university students ... placing a value on immigration will encourage hard-working immigrants and create greater acceptance of them."

But the Productivity Commission found Australia's immigration system "is not well-suited to a price-based approach".

It argued that while cash-for-visas would generate significant government revenue in the short-term, it could "have negative medium and longer-term economic effects".

"The demographic composition of immigrants matters," commissioner Paul Lindwall said. "Immigrants who are relatively young and skilled make a positive contribution to Australia. These types of immigrants provide a demographic dividend by increasing the proportion of people in the workforce, thus reducing the negative impacts associated with an ageing population."

Migration was fundamentally good for the economy, the commission argued. It projected migration at current rates would boost Australia's GDP by 58% by 2060, compared with an Australia with zero net migration.

And the draft report, while recommending against introducing a price-based system for migration into Australia, makes several recommendations for changes to the operation of the current system.

It argues for:

- the removal of barriers to immigrants integrating into the labour market, including by improving recognition of international qualifications and access to bridging courses
- the improvement of settlement services, especially for humanitarian immigrants
- the creation of a smartphone app to advise temporary immigrant workers on their work rights and with links for lodging complaints about exploitation
- the abolition of the \$5m significant investor visa streams

From a historical emphasis on ethnicity, population growth and nation-building, Australia's immigration system has shifted in recent decades to emphasise meeting the needs of industry and employers, with smaller streams for family reunion and humanitarian entry.

Currently, Australia's migration program is set at 190,000 places a year. Two-thirds of the program is dedicated to skilled migration, one-third to family reunion places.

Australia also has an annual humanitarian intake of 13,750, rising to 18,750 over the next four years. A one-off extra intake of 12,000 Syrian and Iraqi refugees displaced by the conflict in their home countries is being processed in refugee camps in Jordan, Turkey and Lebanon.

The Migration Council of Australia said it welcomed the Productivity Commission's recommendations, in particular its rejection of a price-based migration system.

"The draft report from the Productivity Commission reaffirms [that] our migration framework successfully underpins economic and social outcomes in Australia," acting chief executive Henry Sherrell said.

"The draft report makes a number of important findings and provides an excellent basis for a factual public discussion about Australia's immigration policy."

Sherrell said the commission had strongly outlined the economic case for migration but that those benefits could be strengthened, particularly through more targeted settlement services and the recognition of international qualifications which would reduce overqualification in the labour market.

<http://www.theguardian.com/australia-news/2015/nov/13/cash-for-visas-could-help-people-smugglers-and-hurt-the-economy>

25. Price-based migration system could open up new market for people smugglers: Productivity Commission

ABC News Online

By political reporter Stephanie Anderson

First posted Fri 13 Nov 2015, 3:39am

Updated Fri 13 Nov 2015, 4:05am

A proposal to charge permanent migrants an increased fee for entry to Australia has been slammed amid concerns such a move could open up a new market to people smugglers.

Charging for permanent visas could boost funding for the Federal Government, but a draft report issued by the Productivity Commission today warned it was likely to hurt the economy in the long term.

The proposal was initially put forward by Liberal Democratic senator David Leyonhjelm, who called for a full investigation into the option as part of negotiations with the former Abbott government.

The commission said Australia's immigration system was not well suited to a price-based approach, though conceded such a move would reduce the current time delays as well as limit the need for migration agents.

It also stated the introduction of a price-based system could reduce the attraction of travelling to Australia by boat, stating that asylum seekers already paid people smugglers up to \$22,000.

"People who would risk paying people smugglers to undertake a dangerous journey to Australia and still have no guarantee of obtaining a visa would likely be willing to pay as much, if not more, for a guaranteed permanent visa," it read.

But concerns were raised over the potential for exploitation of migrants seeking money for the proposed visa fee.

"Potential migrants might also obtain loans through informal channels, such as people smuggling organisations," it read.

"However, as the sureties for payment including holding people hostage, indentured labour of family members or the threat of reprisals for non-payment, it would be highly undesirable if a price-based system encouraged the growth of such 'services'."

Proposal has potential to raise \$7.5 billion, Leyonhjelm says

Commissioner Paul Lindwall said the current system allowed Australia to focus on education and skills.

"Most of Australia's immigrants and their children integrate well into the labour market and society as a whole, and become self-reliant citizens," he said.

"Additionally the humanitarian intake and programs such as the seasonal worker scheme help Australia to meet its international obligations."

But Senator Leyonhjelm said he believed the commission would be "more enthusiastic" about the proposal once research was finalised, citing the potential to raise \$7.5 billion.

He said a \$40,000 charge for permanent visas could pay for tax cuts, and the Government could avoid potential exploitation by offering HECS-style loans to applicants.

"In recent years, people from the poorest countries have paid tens of thousands of dollars to get to Australia, and risked their lives to get here," he said.

"Australia could offer loans in the same way that we offer loans to poor university students ... Placing a value on immigration will encourage hard working immigrants and create greater acceptance of them."

The current immigration system already generates around \$1.6 billion a year, based on 2013-14 figures, equating to a fee of around \$8,500 per permanent immigrant.

Despite recommending against the introduction of a price-based system, the Commission did suggest a number of changes to Australia's immigration system, including:

- Improving access to humanitarian immigrants
- Removing barriers to immigrants integrating into the labour market
- Improving the targeting of visas to ease skill shortages

<http://www.abc.net.au/news/2015-11-13/proposal-to-charge-permanent-migrants-for-visas-slammed/6936216>