

Project SafeCom News and Updates

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1. Elizabeth Farrelly: Australia's fall from Lucky Country to Cruel Country

Sydney Morning Herald
November 4 2016 - 6:33PM
Elizabeth Farrelly

They were young men – call them Liam and Ben – best mates, far from home, full of chutzpah and crazy self-belief. They'd been through a lot together and landed on this idyllic-looking tropical island. One day they were swimming near a waterfall when, stupidly, Liam drowned. He was a poor swimmer, got stuck under a log, drowned.

This terrible accident was just the start. Liam, a bit older than the others, had a wife and child at home. His grieving friends wanted to preserve his body against the tropical heat, pay their respects and fly him home to his family, but they had no money. The ubiquitous uniformed black shirts, agents of the foreign power that controlled the island, were impatient with this prayer and repatriation nonsense and insisted they bury the body and be done. But the young men were determined. Selling their few possessions – phones, watches, cigarettes – they raised enough for body-preserving chemicals, then persuaded their own government to fly Liam home.

It sounds like a story of middle-class white kids caught in some heartless tin-pot dictatorship. In fact the waterfall is on Manus Island. The young men's real names are Kamil and Zubair. Pashto-speaking Muslims driven out by the Taliban, they became best friends despite being on opposite sides of the Sunni-Shiite divide.

Both were "processed" – in that manufacturing terminology we use to dehumanise – and found to be genuine refugees, fleeing for their lives. Yet our very own black shirts, the much-hated Australian Border Force, stood and watched their grief, refusing help or even sympathy. The government that finally flew the body home was the one the boys had implicitly rejected: Pakistan.

Of course, there's worse brutality, especially in these camps. There's rape, bullying, humiliation, emotional, physical abuse and, most egregious of all, the deliberate erasure of hope.

Any remaining doubt about whether this is actually deliberate – whether we're just somehow unable to protect people from abuse, or resettle them without years of limbo – was removed, along with any remaining hope, by Malcolm Turnbull's latest "they will never set foot in this country" atrocity. Never? We take in war criminals but ban forever those who have done nothing but need our help.

Zubair, now 23, is a former student of business and IT. Unthinkingly, I ask what he's been doing. "Nothing," he says. What's the point? He has no future. His English is good and his quiet despair makes me want to weep. But what I really cannot get past is how comfortable Australia has become with the routine casualisation of cruelty.

This is not our self-image. No way. We consider ourselves the good guys. Fair, open, warm, much like the Americans after WWII. But as Michael Leunig notes, "we are a people who are quite able to declare things about ourselves which are not true ... This is our strength, and has made our nation very stupid, dysfunctional and unhappy – but so what? We're the greatest people in the world."

The Australian Border Force's Facebook page depicts them as all-round decent fellows, busting drug rings and rescuing sea turtles caught in ghost nets. To their human bycatch, however, trapped in the Australian government's harsh exemplary punishment policies, they offer only further cruelty.

For this is meant as punishment. It's couched – dammit, it's SOLD – as a deterrent, like hanging the carcasses of sheep-mauling dingoes on the fence for the others to see.

But there's a critical error here, quite apart from the misconceived morality: a huge error in logic. For it's not wrongdoers we're punishing, as a deterrent to others. We're punishing their innocent victims. We're decorating the fence not with dingoes, but with brutalised lambs. Talk about victim blaming.

So it's wrong in logic. It's morally wrong, trashing people's lives for political effect. It's wrong in law – directly contravening our UN obligations to care for people who seek our help, process them expeditiously and resettle any found to be genuine refugees. (That is, three-quarters of the 800-odd remaining on Manus and 400-odd on Nauru). It's also vastly expensive – \$10 billion so far.

But what of the psychology? What does it mean for us, to us, to perpetrate such cruelty?

Zubair's back-story is pretty standard. He was a middle-class kid of wealthy business owners in the pretty Kurram Valley, near Pakistan's troubled border with Afghanistan. Zubair was studying in Peshawar. Then the Taliban came. Targeting the family for extortion and demanded \$30,000. The family didn't have it. Zubair was badly beaten and the family forced to flee, leaving everything.

They moved from city to city but the Taliban kept finding them and demanding Zubair, the eldest son, as a recruit. Zubair escaped on foot through jungles and countries: his family, including seven sisters and four brothers, one of whom has cancer, are still on the move, still prey. Zubair speaks to them occasionally, but doesn't know when or if he'll see them again.

This story is verified; there is no threat. They're not queue-jumpers. There is no queue for people fleeing death. In Australia they'd be assiduous nation-builders. Yet Turnbull, channelling Trump, insists that our "generous humanitarian program" depends on walling the continent with what amounts to a reinvigorated White Australia Policy.

I'm reminded of an elderly white couple I met in Jo'burg. Big supporters of black rule but understandably fearful of violence, they'd bought into a walled community, but found themselves increasingly terrified. The safer, the scarer. Finally they thought bugger it and bought a house in the street "like everyone else". Now they don't even lock their doors.

Protectionism makes us fearful, fear makes us cruel, cruelty rebounds. You can see on Malcolm's face what his Hanson-pleasing is costing him. He looks more like Trump every day. (I swear his nose is growing). More chilling still is that he's doing it, in the end, for us.

In Australia's fall from Lucky Country to Cruel Country, 10 billion will count as nothing. What this craven, mean-spirited, power-seeking fear-based fortress-Australia cruelty will cost us, if we let it, is our souls.

<http://www.smh.com.au/comment/australias-fall-from-lucky-country-to-cruel-country-20161102-gsgvwg>

2. Michael Gordon: A policy as full of holes as a leaky boat

Sydney Morning Herald
November 4 2016 - 9:37PM
Michael Gordon

The irony of the latest and, let's be frank, the most vindictive, churlish and wacky instalment of the harshest border protection regime in the developed world is that it was conceived in response to the force successive Liberal prime ministers have exploited so ruthlessly for political gain: fear.

The fear is that, when the torment of those on Nauru and Manus Island is finally brought to an end, the people smugglers will mount a campaign to overwhelm Australia's maritime defences and boats will again dot the horizon from Christmas Island.

This is why Peter Dutton dreamed up a gratuitous punishment for those who fled persecution and arrived without an invitation: that they will never, ever set foot on our shores, not even as US or Canadian or Malaysian or Kiwi tourists, unless they are given a one-off ministerial exemption.

It is why Dutton and Malcolm Turnbull have been so determined to wedge Labor by daring Bill Shorten to embrace this idea or be cast as a soft touch, just like all of his predecessors.

They want to give themselves someone to blame if some boats manage to penetrate the Operation Sovereign Borders edifice and sully the most unambiguous of the Coalition's modest list of achievements, stopping the boats.

It is why Turnbull and Dutton made such a big deal of the thought bubble Dutton floated back in mid-August, with the obligatory leaks to the News Corp tabloids ahead of a prime ministerial press conference on a quiet Sunday morning, complete with the backdrop of the Aussie flag.

And it is why a government that is struggling to implement the thin agenda it took to the double dissolution election will hammer this issue when Parliament resumes on Monday.

The giveaway has been the abject failure of either Turnbull or Dutton to articulate a coherent argument for a policy so utterly at odds with the values of fairness this country has championed, beyond an Abbott-like mantra about sending a message to the people smugglers.

Since Sunday's media conference, Dutton has claimed the smugglers will be "rubbing their hands" if any resettlement agreement for those on Manus and Nauru enables refugees to "come back to Australia through the back door on some tourist visa".

But is he really suggesting refugees would pay their life savings to a smuggler in order to spend several years separated from loved ones in harsh conditions in remote detention camps before being resettled in a third country of somebody else's choosing, all because, one day down a very long track, they would have the opportunity to visit Australia?

No, Mr Dutton. The product the smugglers are selling is permanent settlement in Australia and they have been thwarted for more than 800 days by two policies that have bipartisan support: turning back boats and offshore processing, with no prospect of permanent settlement in Australia.

The missing ingredient in the policy is not more punishment for its own sake, but a genuine effort to build a regional protection framework that responds to the world's worst refugee crisis since World War II.

The Immigration Minister has also asserted that those who come on tourist or temporary entry visas could claim protection and instigate costly legal proceedings, when this would not be possible under existing law.

And he has suggested any who are resettled in New Zealand would migrate to Australia at the first opportunity, when the truth is that all but a handful of the scores of refugees who were resettled in New Zealand under John Howard's Pacific Solution are still there: proud, happy, loyal and productive Kiwis.

This is the insurance policy you have when the policy you are protecting is as full of holes as a leaky boat; when secrecy and ulterior motives are so deeply intertwined with the stated aim of preventing deaths at sea that plain speaking and transparency are impossible.

It will go unchallenged by those Liberal MPs who find it repugnant because, quite rightly, they are more focused on ending the ordeal of those on Manus and Nauru than opposing a silly idea that can be remedied by legislative amendment down the track, like the one that required asylum seekers to pay for their detention upon their release.

If this is the price of ending the pain and anguish of around 2000 souls who have been in limbo on Nauru and Manus for more than three years, it is a price they will readily pay.

Whether Shorten will blink is another question altogether. The Labor leader was briefed on the ban by Turnbull after it was announced on Sunday, but given no rationale beyond the need to keep discouraging "agile" people smugglers, and certainly no heads up on third country resettlement for those on Nauru and Manus.

Those arrangements appear to be all but nailed down, and could be announced within days of Tuesday's US election, assuming sanity prevails and Donald Trump is not elected. What countries are involved has been a closely guarded secret and what the arrangements will mean for those who have refused to have their claims processed on Manus Island, and those whose claims have been rejected, is unclear.

Shorten's first instinct was to brand the ban "over the top" and signal that Labor will oppose it in the Parliament.

"If Malcolm Turnbull wants to try and trade away the last sliver of his dignity, the last shred of his political integrity for a handful of One Nation preferences, good luck to him," Shorten told a gathering on Thursday night. "We're better than that."

Shorten has given himself wriggle room to support the visa ban if the government can demonstrate that agreements with third countries to resettle those on Manus and Nauru hinge on the Australian Parliament legislating it.

This would seem unlikely, given the New Zealand Prime Minister John Key's declaration that "we have got no intention of having separate classes of New Zealand citizens". Why would they?

Clearly, the Labor leader believes he has the ascendancy over Turnbull, whose embrace of this idea will only further alienate many who invested so much faith and hope in his prime ministership. Shorten's response, when Turnbull and Dutton apply the blowtorch next week, will be a measure of that belief.

<http://www.smh.com.au/comment/a-policy-as-full-of-holes-as-a-leaky-boat-20161104-gsi0hy>

3. Surgeon who fled Saddam Hussein's Iraq urges Australia to resist 'wave of radicalism'

Dr Munjed al Muderis' story back in spotlight after patient writes letter to Malcolm Turnbull

The Guardian

Helen Davidson

Wednesday 2 November 2016 17.53 AEDT

A leading surgeon who would have been barred from Australia for life under a proposed refugee policy if he had arrived later has pleaded with the government not to be blinded by a wave of rightwing radicalism.

Dr Munjed al Muderis is an osseointegration surgeon who fled Iraq to Australia in 1999 after he was ordered by Saddam Hussein's regime to amputate the limbs of deserters. He arrived by boat and was detained on Christmas Island and in the Curtin detention centre.

His story found renewed attention this week after one of his patients, Allison France, published a letter to the prime minister, Malcolm Turnbull.

“Under your new policy, he would never have made it to Australia,” France said. “He has made a huge contribution to our country. I urge you to reconsider your position on this issue and consider the welfare and happiness of Australians like me.”

The policy, announced by Turnbull and the immigration minister, Peter Dutton, on Sunday, would mean any adult who had their refugee claim processed on Nauru or Manus Island would be banned from ever returning to Australia under any kind of visa, including as a tourist.

On Wednesday Dutton said the policy was vital to strengthen the prospect of striking a deal with third countries to take Australia’s offshore refugees and suggested some may attempt to enter Australia later with “sham relationships”.

Muderis, who is the only surgeon of his kind in the country, told Guardian Australia he was disheartened to learn of the new policy proposal.

“What’s really sad is to see both parties competing with each other over who’s going to be harsher on these human beings,” he said. “These poor people who are escaping from terrorism and fear, we are treating them with fear, we are treating them with terror.”

Muderis said he was unaware of France’s letter until a friend showed it to him but he supported it because “she shared the same opinion of the vast majority of people I come across in my day to day work and day-to-day life”.

He said he was not against rightwing figures such as Pauline Hanson, who supported the policy, because he believed they had “genuine anxieties” that needed to be addressed.

However, Hanson’s election win had given “a false impression to the government and both parties that this is the popular thing to do”, he said.

“It seems everybody is riding the wave of radicalism and extremism and being very rightwing.”

Muderis questioned why the policy was necessary if the government had “stopped the boats”.

“I don’t understand why they are doing that. If it’s successful, why do we go to the extreme? Why do we try to prove we are harsh?”

It wouldn’t have deterred his own journey, he said, because he was in fear for his life and had no choice. He said he would do it again if in the same situation because he had no other option.

“I didn’t get a chance to come by plane. I didn’t see a camp, I didn’t see a queue. Not everybody is lucky enough to find a UNHCR camp,” he said. “It’s more than likely that someone born in one of these UNHCR camps will die an old man or old woman in these camps.”

He said he had not spoken with Turnbull or his predecessors about his experience but would welcome the opportunity.

France told Guardian Australia she shared the letter in the hope Turnbull and “other Australians who were in doubt about the contributions refugees make to this country” would read it.

“I think the idea that people who come by boat are banned for life is cruel and unnecessary and made me straight away think of Munjed,” she said.

“Under the current system he would be stuck on Manus or Nauru and never have the opportunity to come here. If he was moved to Canada he would never have the chance to travel here as a surgeon. He’s in demand all over the world.”

France said she had received few negative responses to her letter.

“I hope other people will tell their stories of their positive experiences. There’s so many good stories about refugees out there. It would be nice to be hearing more of them.”

<https://www.theguardian.com/australia-news/2016/nov/02/surgeon-who-fled-saddam-husseins-iraq-urges-australia-to-resist-wave-of-radicalism>

5. UN human rights investigator to visit Australia's immigration detention centres

ABC News Online

By political reporter Stephanie Anderson

First posted Mon 31 Oct 2016, 9:07pm

Updated Tue 1 Nov 2016, 4:10am

Australia's immigration laws are set to come under the microscope as the United Nations (UN) special rapporteur on the human rights of migrants arrives in Australia today.

Francois Crepeau will use his 18-day trip to examine immigration detention and processing centres in Australia and on Nauru.

In a statement, Mr Crepeau said he would also meet with border protection officials and migrants as part of a series of meetings in capital cities.

"This is an opportunity for me to understand how Australia manages its overall migration policies, and their impact on the human rights of migrants," he said.

The visit comes 14 months after Mr Crepeau cancelled a planned trip due to concerns over immigration legislation.

At the time, he issued a statement regarding the Border Force Act, voicing concerns that the legislation prevented him from "fully and freely" carrying out his duties.

"This threat of reprisals with persons who would want to cooperate with me on the occasion of this official visit is unacceptable," he said.

"The act prevents me from fully and freely carrying out my duties during the visit, as required by the UN guidelines for independent experts carrying out their country visits."

Mr Crepeau's visit coincides with the Coalition's announcement on proposed amendments to the Migration Act, which would ban refugees and asylum seekers on Manus Island and Nauru from ever coming to Australia.

<http://www.abc.net.au/news/2016-11-01/un-investigator-to-examine-australia's-immigration-nauru/7980952>

6. Nauru fire explored in new book

Courier Mail
Siobhan Calafiore
4 Nov 2016

Mark Isaacs, 28, is a writer and social justice campaigner who spent 10 months volunteering on Nauru when its detention centre was reopened in 2012.

He said his time on the island was a constant struggle between wanting to do good from within but not wanting to be complicit in a system he didn't believe in.

"We spent 10 hours a day with these people for months on end and you hear their stories," Mr Isaacs said.

"You sat with them through the boredom and you talked about their families, you saw them harm themselves and attempt suicide and talked them through that, and you took them outside of the camp and got to see them enjoying themselves in the ocean or playing cricket so you create these bonds."

For Mr Isaacs, the hardest part about leaving his role at the detention centre was the fear of abandoning the asylum seekers and not knowing what would happen to them.

He understood that if he told their stories he would never be allowed to return. But he also realised that back home no one knew what was going on and he was one of few people who could change that.

"My first book *The Undesirables: Inside Nauru* is an exploration of my time on Nauru and what happened to me and the people I worked with," Mr Isaacs said.

"A month after I left there was a fire that burnt down the detention centre, which was started by men inside the camp (and inspired second book *Nauru Burning*).

"The people that spoke to me were worried about the way it was investigated, the way people were treated and generally the power that service providers like Wilson Security company have without any kind of independent authority monitoring what they were doing."

He still feels nervous about publishing his writing and fears the people who spoke to him will be subjected to persecution.

"The idea of sending these people to an island as remote as Nauru is that you are restricting information and you are trying to deny people the knowledge of what is happening there," he said. "By banning journalists from entering and reporting about it, they get to hide all this."

<http://www.thecourier.com.au/story/4270325/nauru-fire-explored-in-new-book/>

7. Immigration official says department is 'freezing' release of documents about Nauru

Greens say contents of internal email released by accident to Guardian Australia points to 'deliberate breach' of freedom of information laws

The Guardian

Paul Farrell and Ben Doherty

Wednesday 2 November 2016 11.27 AEDT

Australia's immigration department has been "freezing" the release of documents about asylum seekers at in its offshore detention centre on Nauru, according to a internal email, suggesting it has been deliberately breaching freedom of information laws.

In an email sent by accident to Guardian Australia, an official at the Department of Immigration and Border Protection, says there are "risks" to the apparent policy and asks for it to reconsidered.

The Greens' immigration spokesman, Nick McKim said the emails showed the department had "gone rogue".

The shadow immigration minister, Shayne Neumann, said it showed the immigration minister, Peter Dutton, was mismanaging his department.

The department said the email was "a misunderstanding".

The email, sent by Ian Campbell, the immigration department's freedom of information officer, asks two other officials:

"We note that our Nauru--related FOI cases (ie summary incident reports, health data set and several others) continue to be on- hold pending confirmation from you about when we can proceed to finalise them.

"Are you able to please give us an update/indication of when you consider we will be able to proceed?"

"There are some risks associated with not proceeding these FOI requests.

"Rather than freezing the processing of these cases for several more weeks or months, we might be better off releasing the documents sooner, with the Nauru information fully exempted under grounds of international relations. This is something we'd want to discuss with Susan [Mathew]given the concerns previously expressed about such an approach."

Under Australia's freedom of information laws, strict timeframes are set out for processing requests for information, and there is evidence that the department has exceeded the timeframe for processing a number of requests made by Guardian Australia.

Guardian Australia's request for healthcare data on Nauru has been delayed for processing since July this year.

In another case, a request for the child protection panel report on Nauru has also been delayed. A freedom-of-information officer previously said the department has committed to releasing it by the end of October. The secretary of the department, Michael Pezzullo, has been in possession of the report for several months.

There has been renewed focus on the asylum seekers and refugees held on Nauru by Australia after the Guardian's publication of the Nauru files, which detailed thousands of incident reports from the island's detention facility until October 2015.

A Senate inquiry is now under way into serious allegations of abuse and assault on Nauru and the department is facing increasing pressure to release information about incident reports it holds, as well as for healthcare information for asylum seekers and refugees on the island.

Neumann and McKim urged Australia's information commissioner, Timothy Pilgrim, to examine the immigration department's actions.

Neumann said Dutton had been "caught out" in the revelation.

"Peter Dutton might not like what he finds in these files but that doesn't give him the right to withhold the information from the Australian public," Neumann said.

"I'm sure the information commissioner will take a keen interest in any evidence that suggests a deliberate strategy by the Turnbull government to withhold information from the FOI process."

McKim said the email showed what appeared to be a "deliberate breach" of freedom of information laws.

“This email is an extraordinary admission of the department’s culture of secrecy and obfuscation of people trying to find out the truth,” he said. “In many respects, the department has gone rogue and it is long past time for the government to bring it to heel.

“The government’s reasons for secrecy are clear – their policies have failed in humanitarian, financial and logistical terms, and they simply don’t want people finding that out.”

The immigration department’s FOI unit has a fraught relationship with the rest of the department. Decision-making powers have been stripped from many of its officers and are now made by other officials. As a consequence, the unit often doesn’t have the power to see the processing of requests through.

A spokesman from the Department of Immigration and Border Protection said: “There has been no freeze of FOI requests in relation to Nauru; the email you reference reflected a misunderstanding of the process and was an internal communication seeking advice in relation to specific ongoing requests.”

The department’s response did not address whether it accepted it had breached freedom of information laws.

Dutton did not respond to requests for comment.

The manager of the department’s freedom of information unit, Linda Rossiter, denied there was a deliberate freeze and said there had been a “misunderstanding” in the email.

“There isn’t a freeze and it’s a misunderstanding,” Rossiter told Guardian Australia. “There’s no freeze on the processing of requests. Requests are dealt with on a case by case basis.”

The office of the Australian information commissioner has the power to investigate the handling of freedom of information requests. It also has sweeping investigative powers and can conduct own motion investigations into the actions of government agencies.

The immigration department has faced several investigations into the handling of information requests. The office conducted an investigation that identified a range of serious flaws in 2012.

A separate internal review commissioned by the department and undertaken by Robert Cornall also found there was a lack of efficient management of FOI by the department.

A spokeswoman for the Office of the Australian Information Commissioner said: “The Australian information commissioner expects Australian government agencies bound by the Freedom of Information Act 1982 to meet the statutory timeframes in relation to processing FOI requests.

“While the act allows for extensions of time in certain circumstances, the commissioner would expect those extensions are only requested when there is a substantive reason. Where we receive requests by agencies for extensions we review them in relation to the specific circumstances.

“In the last 12 months we have received a small number of extension of time requests from the Department of Immigration and Border Protection. Not all have been granted.

“The commissioner monitors FOI processing within Australian government agencies and will conduct investigations when appropriate.”

<https://www.theguardian.com/australia-news/2016/nov/02/immigration-official-says-department-is-freezing-release-of-documents-about-nauru>

8. Nauru police charge person with indecent assault of six-year-old asylum seeker

Exclusive: Case appears to be first relating to alleged abuse of an asylum seeker to make it to Nauru’s courts, and is likely to focus attention on country’s legal system

The Guardian
Paul Farrell
Monday 31 October 2016 06.13 AEDT

Nauruan police have charged a person with indecent assault of a six-year-old asylum seeker who was held in Australia’s care, in what appears to be the first case relating to alleged abuse of an asylum seeker that has made it to Nauru’s courts.

The decision published in October shows Nauruan police charged an unnamed individual with the alleged indecent assault of an asylum seeker in October last year, when she was six.

The full circumstances of the allegation are unknown and it is unclear whether the events took place inside or outside the Australian-run detention centre. The identity of the alleged perpetrator was suppressed by the court, with the girl identified only as MU. It is not clear whether the girl has had her claim for refugee status considered.

Advice provided to the court by four medical and welfare staff from the Australian government's contracted service provider, International Health and Medical Services, set out the difficult circumstances of the girl's case and the impact of the alleged assaults and her prolonged detention.

"M is was a six-year-old girl who had been exposed to adverse life events such as parental separation, migration, prolonged detention and alleged sexual abuse," the staff wrote.

"As a consequence M now presents with emotional and behavioural disturbances such as anxiety, night terrors and social isolation."

The Australian government has consistently sought to diminish both the seriousness and the veracity of abuse and assault claims made by asylum seekers held in Australia's care on the remote Pacific island.

After the publication of the Nauru files by the Guardian, the immigration minister, Peter Dutton, said he "won't tolerate any sexual abuse whatsoever". He suggested that asylum seekers had made false claims of abuse because they wanted to come to Australia.

The case is likely to focus further attention on the Nauruan legal system's capacity to handle allegations of abuse. Many legal experts and former detention staff have warned that asylum seekers on Nauru may never be able to obtain justice.

Magistrate Emma Garo ruled in a preliminary decision that the child's evidence would be heard in closed court. But she declined to grant a prosecution request that the girl not be made available for cross-examination by the defence.

The medical and welfare staff had strongly urged the court not to require her to appear to give evidence. "A court appearance is highly likely to adversely affect her overall presentation, increasing her subjective stress and trauma," they wrote.

"The emotional vulnerability of a child should always be taken into consideration when subject to court appearance. It is the writers' expert opinion that evidence for M's testimony should be gathered through more appropriate means, such as written statements or audio recordings outside the courtroom or other adverse environment."

But Garo wrote: "My reading of the recommendation provided in the report is that her evidence could still be taken by the court but in a less stressful and less imposing environment outside of the courtroom or in an alternative less imposing environment."

Garo said the girl should provide evidence but in an environment that was as "child-friendly" as possible.

In Australia there are significant restrictions on the cross-examination of alleged victims of sexual or indecent assault, and limits on cross-examination of children.

But under Nauru's Criminal Procedure Act it appears to be left largely up to the court to consider whether restrictions should apply.

Guardian Australia has put questions to Dutton and his department. Neither responded to requests for comment on the case.

The government faces a Senate inquiry into allegations of abuse at the Nauru detention centre.

The secretary of the immigration department, Michael Pezzullo, recently told a Senate estimates hearing that the department had taken "immediate and appropriate" action when responding to incidents on Nauru.

<https://www.theguardian.com/world/2016/oct/31/nauru-police-charge-person-indecent-assault-six-year-old-asylum-seeker>

9. MEDIA RELEASE: PEN International appeals to Australian government for Manus refugee

Friday November 4, 2016
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

PEN International, who adopted Kurdish journalist and Manus refugee, Behrouz Boochani has again written to the Australian government to request that Boochani asylum claim be considered in Australia.

[see <http://www.pen-international.org/newsitems/australia-process-kurdish-iranian-journalists-asylum-claim/>]

The letter to the Australian government can be read here:

<http://www.pen-international.org/wp-content/uploads/2016/11/Letter-to-Peter-Dutton-MP-of-Australia-regarding-the-case-of-Iranian-journalist-Behrouz-Boochani.pdf>

Boochani was adopted by PEN in September 2015, but its requests to the Australian government have been ignored since then. He has been found to be a refugee on Manus Island despite never applying to be processed in PNG.

PEN's appeal to the Australian government further highlights the complete desperation of Malcolm Turnbull's proposal for a lifetime ban on refugees and asylum seekers sent offshore.

In April 2016, the PNG Supreme Court found that the Manus detention centre was unlawful. Around 800 individual signatures have now obtained for a further application to the PNG Supreme Court to consider compensation for the multiple breaches of their human rights and orders for the return of all those taken illegally from Australia to Manus Island to be returned to Australia.

Thousands of people are expected at rallies in Sydney and Melbourne, Saturday, 5 November to call for the closure of Manus and Nauru and to bring all the refugees and asylum seekers to Australia. In Sydney, the rally is focussed on the Doctors March for Refugees -- details below.

"Momentum is growing for the 'Bring Them Here' campaign," said Ian Rintoul, spokesperson for the Refugee Action Coalition, "Turnbull's lifetime ban is a shameful stunt; playing with refugee lives, as the government falls in the opinion polls.

"Saturday's rallies will add to the growing call to 'kill Turnbull's bill'."

For more information, contact Ian Rintoul 0417 275 713. Behrouz Boochani contact available on request.

10. Anti-refugee rally: counter-protesters turn up in strength, butterflies and all

The Eltham rally, held by the far right Party for Freedom, opposes plans to house up to 120 Syrian refugees in a section of the Eltham aged care home

The Guardian
Helen Davidson
Saturday 5 November 2016 15.16 AEDT

A large counter-protest has turned out in the Victorian town of Eltham, in opposition to far right "out of towners" demonstrating against an aged care home housing Syrian refugees.

A heavy police presence was on hand for the planned anti-refugee rally, organised by Nick Folkes, the Sydney-based chairman of the far right organisation Party for Freedom, and residents had been urged to stay away. Several businesses had reportedly closed, in fear of violent clashes similar to those seen at previous rallies.

Folkes, who is against immigration and Islam, and has demanded the sterilisation of refugees, called the protest in response to plans to house up to 120 Syrian refugees in a disused section of the Eltham aged care home.

The Syrian women and children will be housed in the centre for up to two years, as part of the Australian government's one-off humanitarian intake of 12,000 refugees from the war-torn nation.

The rally was preceded by a reportedly larger group of counter-protesters, many holding anti-fascist and pro-refugee placards, declaring Folkes' rally did not represent them.

Earlier in the week, Eltham residents had spray-painted butterflies around the area, as a symbol of welcome to the refugees.

The founder of the Welcome to Eltham committee, Nina Kelabora, said the anti-refugee protesters were "definitely out of towners", and did not reflect the wishes of the Eltham residents.

"We know there's a handful of local residents who have concerns, but this is something else," Kelabora told Guardian Australia.

"This is not anything to do with the sentiments in our community, which is a peaceful, safe and welcoming area ... the overwhelming sentiment in the community is one of welcome."

Kelabora did not attend the rally, instead spray-painting butterflies and tying butterfly symbols around the park earlier..

"We knew the protest was coming up and we knew we wanted to respond in some way but didn't want to partake in what they were labelling as a battle," she told Guardian Australia.

“We needed to make sure the community’s voice of welcome was heard.”

The group adopted as its symbol the Eltham Copper Butterfly, which almost disappeared in the 1980s until the residents rallied together to save it, she said.

She said the Eltham people had contributed more than 700 submissions to a welcome book, which the group planned to give to the refugees when they arrived.

“From the community perspective it’s really clear that the vast majority are welcoming.”

Up to 200 anti-refugee demonstrators descended on the town’s Andrew Park on Saturday for what Folkes had dubbed “the battle of Eltham”, with support from other organisations including the Soldiers of Odin, a self-styled “street patrol” patriot group.

Fairfax reported that about a dozen people at the rally had identified themselves as locals.

The Australia First party and United Nationalists group staged a mock beheading last week in the park as some form of protest against the plan.

Early on Saturday morning, the Party For Freedom Facebook page announced that the rally had been delayed until Saturday afternoon “due to both weather and security concerns”.

Aerial news footage showed a large number of police officers at the rally, including on horseback.

A spokeswoman for Victoria police told Guardian Australia they were there to maintain public safety.

“Victoria Police respects people’s right to protest peacefully, but will not tolerate those who break the law,” she said.

“Victoria Police advises anyone attending that we will not tolerate any anti-social behaviour or violence. Urging violence and hatred within our community is not a form of free speech and is illegal.”

St Vincent’s Health, a Catholic Care organisation that runs the aged care centre, thanked the Welcome to Eltham supporters, and said it was proud to house the Syrian refugees. It said employees were supporting the existing residents of the centre, who had been worried by the protest outside.

“There are people in Eltham who have been unsure of what’s happening, so we’ve been working very hard to get the facts out into the community around what is happening,” the organisation’s deputy chief executive, Sheree Limbrick, told the ABC.

“Once they do understand some of the facts around how the project’s going to operate, the support that’s being offered, the sorts of families that will be coming into the accommodation, a lot of peoples’ fear and anxiety has diminished.”

The protest coincided with larger rallies around the country, against the federal government’s immigration policies.

Large crowds gathered in cities including Sydney, Melbourne, Hobart and Cairns, and in smaller towns around the country, calling for the government to close its offshore processing camps and bring asylum seekers and refugees to the Australian mainland.

It followed revelations on Friday that Australian immigration officials had deported a refugee in the middle of the night, from a Melbourne detention centre to Nauru, without warning.

<https://www.theguardian.com/australia-news/2016/nov/05/anti-refugee-rally-counter-protesters-turn-up-in-strength-butterflies-and-all>

11. New asylum laws pave the way for third-country resettlement, Peter Dutton says

Immigration minister says fears that families would be divided by laws banning travel to Australia can be overcome by use of ministerial discretion – or moving to another country

The Guardian
Paul Karp and Gareth Hutchens
Monday 31 October 2016 08.44 AEDT

A proposed law banning asylum seekers in offshore detention on Manus Island and Nauru from coming to Australia would prepare for a resettlement deal with a third country to clear the camps, Peter Dutton has suggested.

The immigration minister told ABC radio on Monday that ministerial discretion could prevent families being separated by the policy, or that Australia could help families move elsewhere to encourage refugees to accept resettlement in third countries.

He said the law, announced on Sunday, was designed to put into action the principle that “people who seek to come by boat won’t be settling in Australia”.

“We are keen to get people off to third countries if they can’t return to their country of origin,” he said. “We are working with a number of countries now.

“What we don’t want is if somebody is to go to a third country that they apply for a tourist visa or some other way to circumvent what the government’s policy is by coming back to Australia from that third country.”

Dutton said the policy was consistent with Labor’s policy that people who arrived by boat would not settle in Australia, though it goes much further in banning visits to Australia on any type of visa after resettlement elsewhere.

Asked about earlier comments that at first indicated the government was open to a deal with New Zealand, then appeared to rule it out, Dutton said: “What I’ve said is ... that the deal structured by the Gillard government was essentially a backdoor way to get to Australia.”

He said a plan for Australia to take refugees from camps in Costa Rica was not linked to “some other deal”, denying that it was the first plank of a deal to have refugees in offshore detention accepted by the United States.

On ABC Radio the foreign minister, Julie Bishop, confirmed that the US was “one of a number of countries that take resettlement” but she was “not in a position to confirm or deny” whether it was one of the countries Australia could ask to take refugees.

Asked if taking refugees from Costa Rica was part of a deal to resettle refugees from Manus Island and Nauru, Bishop said: “that is not my understanding – that is not my understanding at all.”

Asked how the policy would affect refugees and asylum seekers with families in Australia, Dutton said: “There is a ministerial discretion to act in the public interest.

“So there may be individual cases around families, for example, where the minister of the day can provide a migration outcome, so that person can be allowed in.”

Dutton said: “Where there are family units that are separated we will look at those circumstances and if it’s possible and we have a third-country option available to those families, we will talk to them about that option.”

He noted that the policy did not apply to children who were under 18 when they went into offshore detention.

Dutton said he was “absolutely confident” the law was both constitutional and consistent with international law, citing legal advice from the international division of the Attorney General’s Department, the Australian government solicitor and counsel in the immigration department.

Both Labor and Nick Xenophon have said they need to see the detail of the government’s proposal before deciding whether to support it.

The deputy opposition leader, Tanya Plibersek, has said the proposal is “a distraction from Peter Dutton’s hopeless mismanagement of his portfolio”.

“It is extraordinary that, three years on, the government has not found third countries to resettle those people who are in limbo on Manus Island and Nauru.”

The Greens criticised the announcement, saying the Turnbull government had “sunk to a new low” in its “latest attempt to punish innocent people seeking asylum”. “The proposed new laws are an escalation of the cynical race to the bottom, which sees our fellow human beings again used as a tool to seek domestic political advantage,” said the Greens’ immigration spokesman, Nick McKim. “This is about absorbing nothing more than One Nation votes ... It runs contrary to international law and our obligations under the refugee convention.”

On Monday the One Nation leader, Pauline Hanson, welcomed the policy, telling Channel Seven’s Sunrise: “I think you need to make a tough stand and put out a clear message. Refugees are not welcome here.”

Senator Derryn Hinch said he suspected the proposal was designed “to wedge the Labor party, knowing they will split on this”.

“I will in general support the government and the opposition, but will look at the fine print,” he said.

<https://www.theguardian.com/australia-news/2016/oct/31/new-asylum-laws-third-country-resettlement-peter-dutton>

12. Immigration Minister Peter Dutton says new refugee ban will stop country hopping

Sydney Morning Herald
October 31 2016 - 9:00AM
Tom McIlroy

Immigration Minister Peter Dutton says tough new immigration laws are designed to stop refugees from country hopping after being released from offshore detention camps.

On Sunday, the Turnbull government announced it would permanently ban asylum seekers who attempt to reach Australia by boat from ever entering the country, even if they are genuine refugees and seek to come as tourists or on business decades later.

Legislation will be introduced to Parliament in November, applying to all adults detained on Manus and Nauru and backdated to July 2013.

Mr Dutton said refugee and asylum-seeker advocates should stop advising detainees to refuse to move to third countries because the government would eventually cave in and bring them to Australia.

"What we don't want is if someone is to go to a third country, that they apply for a tourist visa or some other way to circumvent what the government's policy intent is by coming back to Australia from that third country," Mr Dutton told ABC radio on Monday.

"We are not going to allow people smugglers to get back into business."

"There are a lot of people who believe, regardless of what we say, that they will eventually come to Australia and there are many advocates who are messaging that each day to people on Manus and on Nauru."

There is growing speculation the government is preparing a new third country deal to resettle detainees on Manus Island and Nauru. While Mr Dutton restated the government's opposition to a previous deal negotiated between the Gillard government and New Zealand, he wouldn't be drawn about possible fresh negotiations with New Zealand and even the United States.

The laws announced Sunday would prevent a refugee who was on Manus Island or Nauru and subsequently resettled in a country like New Zealand from being able to fly to Australia, where they could attempt to stay.

Unaccompanied children and those who were brought on boats by their parents would be exempt from the laws and some ministerial discretion would apply, Mr Dutton said. He also said the laws would not hit any legal hurdles.

"The legal advice is very clear from the international division of the Attorney-General's department, it's very clear from the Australian Government Solicitor. There are no constitutional issues here... and we are absolutely confident in terms of the constitutionality and that we meet our international obligations."

Labor and crossbench senators are already coming under pressure from the Greens to reject the government's plan.

Greens leader Richard Di Natale said on Monday the government was chasing a "mean, cruel agenda of One Nation".

"I'm hopeful that if Labor shows a little bit of courage on this issue ... there's a real chance we'll be able to strike this legislation down," he said.

<http://www.smh.com.au/federal-politics/political-news/immigration-minister-peter-dutton-says-new-refugee-ban-will-stop-country-hopping-20161030-gse8jx.html>

13. Michael Koziol: Government frees up its own hand and tries to force Labor's

Sydney Morning Herald
October 31 2016 - 8:08AM
Michael Koziol

Malcolm Turnbull began Sunday's press conference with a fairly unabridged account of Australia's asylum seeker policy since 2008, strewn with a Halloween horror show of unauthorised arrivals, budget blowouts and deaths at sea.

The history lesson had a purpose. The draconian visa restrictions the PM was preparing to spruik were supposedly rooted in Kevin Rudd's pre-election declaration that no asylum seeker who came by boat would ever settle in Australia.

But these proposed changes go much further than that. They mean that even a genuine refugee, resettled in New Zealand or the US or some other country, would be refused a holiday or business visa to Australia – even in 20 years' time.

It is not a freshly cooked proposal. Immigration Minister Peter Dutton foreshadowed some sort of legal change back in August, telling 2GB: "Even if people are granted citizenship elsewhere, they're not then coming to Australia."

Why now? A cynic might suggest Turnbull finds himself in a politically tricky spot, besieged by bad polls, an active Tony Abbott and almost daily reminders that he governs with a precarious one-seat majority. "I think he'd be very worried at the moment, the PM," says a senior Liberal source.

Acting tough on boats is rarely a bad idea. Especially when the strategy, as was conspicuously displayed on Sunday, is to wedge Labor and draw out dissenting voices who remain very uneasy about their party's slippery slope on asylum seekers.

But there's also a policy motive at play here. Papua New Guinea has ruled the Manus Island centre must close, and the government is under pressure to find a resettlement solution for the 1200 people in limbo offshore.

Dutton has argued that a developed country such as New Zealand, which has been willing to lend a hand, would be too enticing and could mean refugees end up in Australia anyway, thus giving people smugglers a product to sell.

A blanket ban on any visas – tourist, partner or otherwise – means they won't even get a foot in the door. It would free up the government's hand to sign a deal with an affluent ally while insisting nobody will eventually be able to sneak in.

So on Sunday, we didn't get the usual warnings about NZ as a paradise or gateway. Instead, Dutton said no country had been ruled out and discussions were underway with several.

If the government does strike such a deal, it can kill a few birds with one stone. It will have cleared the decks on Manus and Nauru without giving an inch to those trapped in the legacy caseload, and while holding the line on boat turn-backs.

And with no other options on the table, even refugee advocates would be hard-pressed to counsel against a US or NZ lifeline, unpalatable though they might find the whole exercise.

<http://www.smh.com.au/federal-politics/political-opinion/analysis-government-frees-up-its-own-hand-and-tries-to-force-labors-20161030-gse0u9.html>

14. Bill Shorten calls refugee ban 'ridiculous' as Coalition attacks Labor for indecision

Labor senator Lisa Singh and MP Linda Burney express personal concerns about 'cruel' and 'inhumane' plan, but Shorten has reserved the party's position

The Guardian
Paul Karp
Monday 31 October 2016 12.59 AEDT

Bill Shorten says it seems "ridiculous" a refugee would be banned from coming to Australia as a tourist or on a business trip, as several Labor MPs came out against the government's proposal to prevent refugees in offshore detention ever visiting the country.

But the Labor leader has not committed to opposing the government's plan.

Labor senator Lisa Singh and MP Linda Burney have expressed personal concerns.

Singh said: "I don't know what Labor will decide to do ... Obviously I hope we vote this down and see it for what it is."

Under the proposed laws announced on Sunday, refugees and asylum seekers on Manus Island and Nauru would not be able to come to Australia even on a tourist visa, unless they were children when placed in detention.

Singh, who has been seconded to the Australian delegation at the United Nations, believed the policy was "clearly contrary to the New York declaration" on refugees and migrants that the Australian government agreed to in September.

In a Facebook post, she said the proposal was "cruel" and "out of step with the rest of the world". She said it was "stupid" because of the economic contribution of refugees to Australia and the harm it would cause Australia's bid for a UN human rights council seat.

"And if their turning boats back is working, why on earth is this needed? Sounds like a government with no ideas, no policy solutions and no heart."

Burney said she was "deeply concerned" by the proposal.

"I have had many people contact me today and yesterday who were very distressed at the prospect that this is what government is moving," she said. "Their concern is that it's inhumane, that it's something they can't reconcile as decent Australians."

Shorten said the opposition would "look closely at the legislation when the government can be bothered releasing it".

"It seems ridiculous to me that a genuine refugee who settles in the US or Canada and becomes a US or Canadian citizen is banned from visiting Australia as a tourist, businessman or businesswoman 40 years down track," he said.

Shorten said "people who come via a people-smuggler should not be allowed to settle here" but labelled the proposal a distraction from "the Liberals' total failure to secure any durable and credible third country resettlement".

Shorten accused Malcolm Turnbull of "sucking up to One Nation to fight off Tony Abbott and keep his job".

Addressing concerns the law would breach international law because it amounted to penalising people for seeking asylum, the prime minister, Malcolm Turnbull, said on Monday the proposal was "absolutely consistent with our international obligations".

According to the immigration minister, Peter Dutton, the attorney general's department, the Australian government solicitor, and the immigration department's counsel have all cleared the proposal.

At a press conference in Sydney, Dutton said Labor "either supports it or they don't" and were acting like an "undisciplined rabble" by declaring their personal views on social media.

At a press conference in Yalata in South Australia on Monday, Turnbull said Labor had failed to stop asylum seeker boats and the government was now dealing with that failure.

"All we are seeking for them to do now is to support this legislation," he said. "It sends a strong and unequivocal message. It is critically important.

"There is a battle of will between the people of Australia and their government and the people smugglers."

The treasurer and former immigration minister, Scott Morrison, said Bill Shorten had "already blinked" because he had not responded to the policy within 24 hours.

"There's no time for blinking" he said. "You need to know what you stand for, and you need to know what you're going to do."

He said Labor was "vexed" and "totally paralysed" on the issue. "The Labor party is being asked to legislate their articulated policy before the 2013 election ... The fact that they're tying themselves in knots tells everybody what they need to know about the Labor party on this issue."

Labor MP Terri Butler said the government must explain the motivation for the law. "They must explain why it is consistent with international law – not just make assertions to that effect," she said.

A number of other Labor figures including the former MP Melissa Parke and the former New South Wales premier Kristina Keneally have expressed opposition.

On Monday Labor frontbench MP Andrew Leigh told Sky News the key was to ensure the 800-odd people on Manus and a similar number on Nauru were resettled, and the bill would do nothing to achieve that.

Dutton has said the law may pave the way to a resettlement deal with a third country to clear the camps, as it would prevent those resettled from returning to Australia through a "back door".

The Greens leader, Richard Di Natale, told Radio National the government's plan was "barbaric, cruel, shameful, cynical politics".

"I just hope and urge the Labor party and the crossbenchers to join with the Greens and make sure it doesn't get past the Senate," he said.

Nick Xenophon and Derryn Hinch have said they will wait to see the details; One Nation strongly supports the move.

<https://www.theguardian.com/australia-news/2016/oct/31/labor-mps-oppose-refugee-ban-despite-leadership-saying-it-will-wait-and-see>

15. Labor leader Bill Shorten slams Malcolm Turnbull over refugee ban announcement

Sydney Morning Herald
October 31 2016 - 1:04PM
Mark Kenny

Opposition Leader Bill Shorten says Labor will consider the government's new crackdown to stop refugees held in offshore detention facilities from ever coming to Australia, but has branded some aspects "ridiculous" and accused Prime Minister Malcolm Turnbull of caving in to right-wing extremists in the Coalition.

Mr Turnbull and Immigration Minister Peter Dutton unveiled the new lifetime ban on entry to Australia at the weekend.

The policy has attracted widespread criticism amid claims it breaches Australia's international treaty obligations.

"It seems ridiculous to me that a genuine refugee who settles in the US or Canada and becomes a US or Canadian citizen is banned from visiting Australia as a tourist, businessman or businesswoman 40 years down the track," Mr Shorten told Fairfax Media in his first public comments since the announcement.

"Whether he likes it or not, refugees such as Frank Lowy, Gustav Nossal and Hieu Van Le have made a huge contribution to Australia. As an Australian, that's something I'm very proud of.

"Of course people who come by people smuggler should not be allowed to settle here – we will never allow the people smugglers back in business."

But in a sign the policy has re-fired the incendiary debate over asylum seekers, Mr Shorten described Mr Turnbull as a captive of the Liberal Party's right-wing reactionaries.

"Two weeks ago, Mr Turnbull was happy to trade a vote in the Senate for weaker gun laws; last week, his government lied about dodgy data to smear single mums, and now he's shown he's happy to suck up to chase the votes of One Nation senators to fight off Tony Abbott and keep his job," he said.

"He's earning the praise of Pauline Hanson – I hope he's proud of that.

"The old Malcolm Turnbull would never have proposed this to keep the extremists in his party happy.

"We'll look closely at the legislation when the government can be bothered releasing it."

Speculation is rife that Canberra may be about to announce a final destination country for some of the hundreds of refugees on Nauru and Manus Island, after secret talks with one or more foreign governments.

The Australian government has sought to quell such talk but refuses to be drawn on a suggestion that New Zealand may be on the table after long being ruled out because, as a First World country, it would be seen to be a prize – and potentially an easy way into Australia.

The government argues that, if refugees were to be resettled there, the newly announced ban on any form of entry would be the only way the government could ensure refugees did not enter as tourists only to remain indefinitely. And that possibility would amount to a form of incentive for people to board boats, the government says.

"We don't comment on discussions with third countries, we are constantly looking for resettlement opportunities for the people that the Labor Party left at Nauru and Manus," Mr Turnbull said on Monday.

"Remember this is Kevin Rudd's work that we are endeavouring to resolve and, as Peter Dutton and I observed yesterday, our first focus, our highest priority focus, are the families, the women and children and family units on Nauru."

The government says the ban has been designed to send the strongest possible message to the criminal people smuggling operations capitalising on vulnerable asylum seekers and "economic" unlawful entrants looking for a better life.

A source close to Mr Shorten said: "Bill's instinct is this is all just cynical politics. They try this trick every few months and it never works – he's deeply sceptical of Turnbull's motivations.

"It's clear as day he's so petrified of opinion polls he's clutching at anything."

Nonetheless, the issue looks set to strain unity within Labor, which is another reason it might have been attractive to the government.

One Labor frontbencher said the government needed to make the case for the change but, on the face of it, the proposal was "abhorrent" and unrelated to the policy of refusing resettlement to those who came by boat.

"It's up to the government to explain why it is that this law is needed, given that they keep saying the boats have stopped," the source said.

"Dutton was unable to explain this morning why it's needed to give effect to the policy Labor announced in July 2013 [of never allowing refugees who come by boat to settle in Australia].

"How does refusing someone a tourist visa in 20 years' time support that policy? It doesn't. This is a law which deals with other matters.

"It might be that there's uniform opposition in Labor to it. [Personally] I find this abhorrent."

Another Labor frontbencher, Terri Butler from the party's Left faction, told Fairfax Media she was not persuaded by Mr Dutton's argument for the ban.

"I'd be inclined to see the legislation and hear from Peter Dutton about its merits and ostensible motivation. But he has been pretty unpersuasive so far," she said.

"Our policy – for 90-day processing while in safe accommodation, then regional resettlement for people who've fled persecution to start a new life – has not been honoured by this government.

"Under Labor, people's time on Nauru and Manus Island was to be both safe and brief. Under the Turnbull government it has been dangerous and indefinite."

<http://www.smh.com.au/federal-politics/political-news/labor-leader-bill-shorten-slams-malcolm-turnbull-over-refugee-ban-announcement-20161031-gsefud.html>

16. Q&A: Asylum seekers and refugees on the agenda in Mildura

ABC News Online

First posted Mon 31 Oct 2016, 8:33pm

Updated Mon 31 Oct 2016, 8:39pm

The Federal Government has come under fire on Q&A for its "cruel" treatment of asylum seekers and refugees. The program paid a visit to rural Victoria on Monday, with the panel gathering at the Arts Centre in Mildura on the Murray to face questions with a particular focus on regional issues.

Those fielding the questions were Minister for Health and Aged Care, Sussan Ley; shadow minister for agriculture, Joel Fitzgibbon; chef and author Stefano de Pieri; general manager of I Love Farms, Emma Germano; Dean Wickham of the Sunraysia Mallee Ethnic Communities Council and avocado farmer Katrina Myers.

'You're cruel': Asylum seeker lifetime ban proposal ignites debate

As the sole representative of the Government on the panel, Ms Ley was forced to defend the proposed lifetime ban on asylum seekers and refugees. The Coalition wants to block those sent to Manus Island or Nauru in recent years from ever obtaining any visa for Australia. When pushed by host Tony Jones on whether a small number of asylum seekers who were already living on the Australian mainland on specific bridging visas could be deported, Ms Ley admitted that might be the case, but could not say how many.

Mr Wickham expressed his despair at what he called a political game which goes on while problems persist.

Mr Wickham: It seems to me that it's turned into the new world game. We have people picking sides and it kind of turns out a bit like FIFA at the moment.

Ms Ley: Well, it's a relatively small number and let's not overlook the purpose for this. The purpose for this legislation is to make sure it's very clear. What we want is people in Manus and Nauru to be resettled if they're genuine refugees or if they're not found to be genuine refugees, to return to their homes so that we can bring the genuine refugees.

Mr de Pieri: It sounds like a fable. You're telling us an amazing story to hide your cruelty. You're cruel. You're having kept people in limbo for years and years, having deprived them of their freedom.

Ms Ley: You have to see the camps and understand their lives and really appreciate that the generosity that we are offering them is well above many other countries.

<http://www.abc.net.au/news/2016-10-31/proposed-asylum-seeker-ban-sparks-heated-debate-on-q&a/7981424>

17. Coalition MPs can't agree on which refugees Australia's lifetime ban will affect

Sussan Ley contradicts Peter Dutton, saying people on bridging visas won't be affected, and Julie Bishop says only refugees whose claims were processed in Australia will be exempt

The Guardian

Paul Karp

Tuesday 1 November 2016 09.52 AEDT

Government ministers have struggled to identify who would be affected by the proposed lifetime ban on refugees in offshore detention travelling to Australia, with the health minister, Sussan Ley, contradicting the immigration minister, Peter Dutton, on Q&A.

Ley was asked if the policy would affect people in Australia on bridging visas. She replied: "No, because the people who are affected by this are those on Manus and Nauru now."

When the host, Tony Jones, interrupted to say that Dutton's office had said it would affect those on bridging visas, Ley revised her answer and said "the reason for that is they would have been processed on either Manus or Nauru".

"There are very few people who have been processed in Manus and Nauru who are now in Australia," she said.

Ley also praised conditions in offshore detention. "You have to see the camps and understand their lives and really appreciate that the generosity that we are offering them is well above many other countries," she said.

On Tuesday the foreign affairs minister, Julie Bishop, clarified that people in Australia for medical treatment would be affected by the ban if they were part of the "same cohort" as those in offshore detention. Only those whose claims were processed in Australia would be exempt, she suggested.

On Sunday the government announced it would prevent refugees and asylum seekers on Manus Island and Nauru coming to Australia even on a tourist visa, unless they were children when placed in offshore detention.

Bishop told ABC's AM program her understanding was the law would apply to those in offshore processing centres, including those who had sought medical treatment in Australia because they were part of the same cohort.

Bishop said the proposed ban would not affect people whose asylum claims had already been processed in Australia, including those on temporary protection visas and bridging visas.

The foreign affairs minister said people who were not refugees should return to their country of origin, refugees on Manus Island could resettle in Papua New Guinea, and those on Nauru could resettle there or in Cambodia. "There are others we will seek to resettle in one of a number of countries ... We are in the process of negotiating with a number of countries."

Bishop denied the refugee travel ban was motivated by "domestic political considerations" including the rise of One Nation.

"We must never allow the criminal people-smuggling syndicates to get back into business, that's what the legislation is aimed to prevent," she said.

Asked about UN high commissioner for refugees concerns about the ban, Bishop said the policy was consistent with other bans in the Migration Act

Dutton has cited advice from the attorney general's department, Australian government solicitor and immigration department to insist the ban is legal.

Immigration lawyer Robert Manne told AM that without the full details it was "extremely difficult" to know whether the law would result in cancellation of bridging visas. "It's hard to see what possible purpose could be served from cancelling the visas of people brought back from Nauru and Manus Island, many of whom have been recognised as refugees."

Labor's agriculture spokesman, Joel Fitzgibbon, said on Q&A that Ley's failure to correctly answer the question was "the beginning of the unravelling" of the policy. Bill Shorten has said it seemed "ridiculous" a refugee would be banned from coming to Australia as a tourist or on a business trip, but Labor has said it will wait to see details before it takes a position on the ban.

Several Labor MPs came out against the government's proposal on Monday, but the Greens have called on Labor to commit to oppose it.

Guardian Australia contacted Dutton for comment.

<https://www.theguardian.com/australia-news/2016/nov/01/coalition-mps-cant-agree-on-who-australias-lifetime-ban-on-refugees-will-affect>

18. Opinion divided as government seeks lifetime ban on asylum seekers entering Australia

Sydney Morning Herald
October 30 2016 - 8:51PM
Michael Koziol & Fergus Hunter

The Turnbull government's move to ban all asylum seekers who come by boat from ever setting foot in Australia has triggered dismay from refugee advocates and satisfaction from One Nation as the opposition comes under immediate pressure to support the legislation.

In an escalation of an already hard-line immigration policy, asylum seekers detained on Manus Island or Nauru from July 19, 2013 onwards would be ineligible for any sort of Australian visa – including for tourism, business or family reasons – for the rest of their lives.

It includes those deemed to be genuine refugees and any who chose to return to their home country. Children, whether they arrived unaccompanied or with parents, will be exempt.

The announcement paves the way for a potential deal to resettle refugees in New Zealand or the US while allowing the government to guarantee that no such person will ever settle in Australia.

Immigration Minister Peter Dutton on Sunday said the government was "in discussions with a number of countries" about a deal and stressed no destinations had been ruled out.

He has previously warned a NZ option would constitute a back door for asylum seekers to eventually settle in Australia. The visa ban would make that impossible.

Mr Dutton said the new laws were partly designed to prevent the practice of advocates marrying refugees to bring them to Australia under partner visas.

"That is not acceptable," he said. "We are not going to allow arrangements that would subvert the program and the success we've had."

Asked why it was necessary to stop refugees visiting as tourists, Prime Minister Malcolm Turnbull said it was "a battle of will" to stop the people smuggling trade.

"It is incredibly important that we send the clearest message," he said.

The government has long maintained that asylum seekers who come by boat would never be settled in Australia but the extent of this ban is tougher than expected.

Liberal MP Craig Laundy, formerly the assistant minister for multicultural affairs and a strong supporter of immigration, said the changes would merely "formalise" existing protocols making it difficult for asylum seekers to obtain visas.

Under the status quo, former asylum seekers considered to be at risk of breaching their visa conditions and staying in Australia were already likely to be rejected, Mr Laundy said.

Refugee advocate Pamela Curr described the new proposal as "appalling" and unnecessary.

"They don't want to come here. They know what we're like now," she said. "We've gone from a country which offered protection to a country that offers persecution."

Ms Curr also said it was true "a handful of people" had been brought to Australia from detention under partner visas but that it was a "perfectly legitimate" thing to do.

Senator Pauline Hanson welcomed that "the government is now taking its cues from One Nation".

The government has immediately sought to put pressure on Labor ahead of the amendment to the Migration Act being introduced when Parliament returns in a week.

The ban is backdated to when former prime minister Kevin Rudd declared that no person seeking to come without a visa would ever settle in Australia.

Deputy opposition leader Tanya Plibersek said the party would consider the detail before making a decision on whether to back the measure, while the Coalition seized on Labor frontbencher Brendan O'Connor's "disturbing" response.

He told Sky News the issue was "vexed" and that the opposition backed deterrence measures but would have to consider "whether there are unintended consequences of the legislation, whether it's too harsh, whether it's in breach of own international obligations".

Greens immigration spokesman Nick McKim said the proposal marked a "new low" and an "escalation of the cynical race to the bottom" on refugee policy.

Mr Turnbull said "extensive advice" meant he was "absolutely" satisfied they complied with international law.

<http://www.smh.com.au/federal-politics/political-news/opinion-divided-as-government-seeks-lifetime-ban-on-asylum-seekers-entering-australia-20161030-gsdxsb.html>

19. Refugee, asylum seeker ban could affect those already in Australia, Julie Bishop says

ABC News Online

By political reporter Stephanie Anderson and Tom Iggulden

First posted Tue 1 Nov 2016, 5:48am

Updated Tue 1 Nov 2016, 7:53am

Foreign Minister Julie Bishop says contentious changes to visa laws are not aimed at refugees or asylum seekers already in Australia, but has not ruled out that some may be deported.

Concerns have been raised that the proposed changes to the Migration Act could affect people on bridging visas in Australia.

The Coalition wants to ban those sent to Manus Island or Nauru in recent years from ever obtaining any visa for Australia.

The legislation, to be introduced next week, would apply to those who tried to arrive by boat since mid-2013.

Ms Bishop did not rule out the possibility of some people currently in Australia being affected.

She told the ABC that the legislation would only affect the group of people processed offshore, even if they had been brought to Australia afterwards.

"My understanding is that this legislation applies to those in offshore processing centres, including those who may have sought for example medical treatment in Australia, but are part of the cohort whose claim for asylum is being processed in a regional offshore processing centre," she said.

"My understanding is also that claims for asylum that have been processed in Australia, as was done under Labor, are not affected."

Small number of people in Australia could be affected

Her comments follow those made by Coalition frontbencher Sussan Ley, who told the ABC's Q&A program that a "relatively small" number of people in Australia could be impacted.

"They would have been processed on either Manus or Nauru or an offshore processing centre, that's what's being targeted by this legislation," she said.

"There would be very few who have been processed on Manus or Nauru and are now in Australia."

The ABC understands that a small number of the approximately 320 people who have been brought to Australia from offshore detention centres in the last three years hold a bridging visa.

The rest are held in detention, which does not require a visa.

Yesterday, Immigration Minister Peter Dutton said the ban would not break Australia's international obligations.

The country's immigration laws will come under the microscope when the United Nations special rapporteur on the human rights of migrants arrives in Australia today.

Turnbull disagrees with Hanson on refugees

Ms Bishop has also dismissed suggestions that the proposed changes are being driven by domestic politics.

One Nation Senator Pauline Hanson has taken credit for the policy direction in recent days, but Ms Bishop said that the bill was not designed to appeal to their voters.

Prime Minister Malcolm Turnbull told the ABC he disagreed with Senator Hanson's assertion that refugees were not welcome in Australia.

"We welcome refugees, they have made an enormous contribution to Australia," he said.

"But we are able to do that because we can maintain the integrity and security of our borders ... the Australian Government, elected by the Australian people, determines who comes to Australia."

Opposition Leader Bill Shorten yesterday highlighted One Nation's response to the announcement, telling reporters in Melbourne that the party was "telling" Mr Turnbull what to do.

"I think the Government's got some explaining to do as to its motivations," he said.

"I believe Mr Turnbull is more motivated about keeping One Nation and the right wing of the Liberal Party happy than he is about forming sensible policy."

Mr Shorten has not ruled out supporting the bill.

<http://www.abc.net.au/news/2016-11-01/refugee-ban-could-affect-those-already-in-australia-bishop-says/7982582>

20. Refugee ban a deliberate nightmare for Labor but risky too for tough-guy Malcolm Turnbull

Sydney Morning Herald
October 31 2016 - 5:42PM
Mark Kenny

Australia's steely asylum seeker laws, both envied and reviled around the world, are to be toughened further with a newly discovered rare metal: Turnbull tungsten.

Once the darling of the Q&A set in the pro-refugee inner-cities, Malcolm Turnbull has emerged as a surprising tough-guy - as hard as Tony Abbott on boats, and working to look even harder, via a lifetime ban against asylum seeker entry to Australia - for any purpose. The government believes detainee supporters are goading them to hang out for a policy softening. Turnbull's answer is a statement of intent from Canberra - the blunt reality that no softening will come.

This presents a critical challenge for Bill Shorten, who, to the Coalition's deep frustration, has been sailing along with the government in the same boat on boats. Shorten's policy parallelism will now be tested: endorse a "ridiculous" policy which Labor will find unconscionable, or block it, and hand his opponent the megaphone it craves to say only the Coalition will keep the boats stopped and (subtext) the country safe.

Either way, the claim will be that Labor is half-hearted on border protection and that people smugglers will inevitably read this equivocation as the green light to start their trade again. Peter Dutton was fast out of the blocks on this score.

Absent an as yet undisclosed deal with a third country for resettlement, Turnbull probably figures his government can only win from looking tough and can only benefit further from Labor's bind.

Coalitionists complain that they are the victims of their own success. That as the boats have been successfully stopped, kudos to the conservatives has dried up also. Anxiety has drifted from the public mind, despite its best efforts to keep it alive.

Combined with Labor's me-tooism, the effect is that the political dividend for successful policy is zero.

There's the political wedge. By making it nigh-on impossible for Labor to universally embrace the government, Dutton and Turnbull get to reclaim the market differentiation on borders they had lost.

But there will be costs for Turnbull. Who will take refugees from Australia on such idiosyncratic terms? John Key has already queried whether it could lead to an untenable situation of two-tiered citizenship in his country. No self-respecting country can allow that. Imagine the US or Canada agreeing to restrictive terms which could see people who subsequently become full citizens of their countries, denied basic rights of travel just because they were once guilty of fleeing with their lives.

Not for the first time, refugees are cast as the sand in the political gears.

<http://www.smh.com.au/federal-politics/political-opinion/refugee-ban-a-deliberate-nightmare-for-labor-but-risky-too-for-toughguy-malcolm-turnbull-20161031-gsemcv.html>

21. Labor subservient and complicit in grubby refugee policy, says Jon Stanhope

Canberra Times

OCTOBER 31 2016 - 5:56PM

Jon Stanhope

No politician in Australia can possibly pretend that they don't know what's happening to asylum seekers under our care and control on Nauru and Manus.

Every organisation which has investigated the Nauru and Manus Island detention centres has come to the same conclusion. They tell us that people who came seeking protection are being damaged by our policies, and for many the harm is serious and permanent. They tell us that children, some of whom are facing their fourth Christmas in detention, are presenting with deep depression, have attempted self harm including attempted suicide.

Four Corners has, through heart-breaking interviews with children on Nauru and the terrible vision of an asylum seeker setting himself on fire, revealed the depravity of Australia's policy of indefinite offshore detention. The silence of our elected representatives will not save or absolve them from their personal responsibility for the shameful things we have done. It should be now, and certainly will be in the future, a source of deep national shame. The evidence that the indefinite detention of asylum seekers on Manus and Nauru is cruel and inhumane is overwhelming. Only those leaders and politicians with an intention to deceive can deny it.

And why do we do this? Is it good for the budget? No. The people seeking asylum are a tiny part of those who come here each year to settle. A staggering \$3.2 billion has been spent each of the last three years, around half a million dollars per person, and that's not much less than the \$3.8 billion that we spend each year on foreign aid. Does it make us more secure? No. More than 90 per cent of those who sought asylum by boat were found to be genuine refugees. Surely, if a terrorist organisation were intent on doing us harm, wouldn't they come on a plane with a tourist or a business visa rather than on a leaky boat?

Are we doing it to save lives at sea? No. We might think that our leaders have the interests of the asylum seekers in mind if we had heard them ask one simple question: What has happened to the people who they have deterred from taking to boats or who have turned back? Did they return to the places they fled in fear? Did they attempt some other dangerous journey? Have some of them drowned in the Mediterranean? Are they still waiting in limbo, or in squalor?

We know we can accept asylum seekers through safe pathways, as we did in the '70s and '80s when we took more than 100,000 Indochinese refugees, when we had no mandatory detention. But the Australian Government refuses to process any applications from Indonesia.

So, why does the Australian Government make life so difficult for these people? It is not an unintended consequence of an otherwise sound policy. It is not a coincidence. It is done deliberately to punish refugees. To make their lives even more miserable, and so deter others who might have the temerity to think that Australia is a country where they will be treated according to international law, and with fairness and compassion.

These policies began as a grubby political exercise to appeal to the basest sentiments of a section of Australia. Then it became a race to the bottom between Labor and the Coalition to show who could be tougher. The ethical and moral dimension of subjecting some people to exemplary punishment to discourage other people from acting in a certain way was never considered. We were told that the asylum seekers had done something illegal. If that is true, why haven't they been arrested and charged. They haven't because there is no law that they have broken. Indeed the major proven illegality relevant to asylum seekers is the very existence of the Manus Island detention centre, found as such by the Supreme Court of New Guinea.

I am particularly concerned with my own party. The policy of indefinite offshore detention was implemented by the Rudd-Albanese Labor government. By my party. It came into effect on July 19, 2013. The young teenaged girls interviewed last week by Four Corners were sent to Nauru by the Rudd-Albanese government. The very uncomfortable truth for me and many Labor Party members, is that it is Labor's stand which enables the Government to maintain these policies with impunity.

There is no better example of Labor's subservience than the unquestioning, unanimous support for the Border Force Act, an act designed to cover up our treatment of asylum seekers with the threat of imprisonment of doctors, nurses, childcare workers and teachers who had the courage and integrity to take a stand.

The challenge for Labor politicians is to take a stand. They could start by acknowledging that they have engaged in a corrosive race to the bottom, the consequences of which have hurt and injured innocent people. That they have done enormous reputational damage to the ALP, Australia, and themselves as individuals. They must surely recognise that this policy cannot be applied indefinitely. The point has been reached, in fact long ago, when even the most hard-hearted and callous members of the Government or Opposition have no option but to face the awful reality of what they have done, and commit to bringing the asylum seekers to Australia.

There are ALP politicians very anxious that we understand that they do not really support the policy. You will have seen some of them confronted by journalists. They dissemble, look uncomfortable, attempt desperately to convey the message that of

course they don't personally support the policy. You will all have heard their weak justifications and excuses. I say, the time has come to demand they stop turning their faces away from the cruel and inhumane treatment of refugees.

I am increasingly of the view that members of the ALP or the Liberal Party need to do more to ensure that the candidates we pre-select will also not support these policies. If there ever was a reason to join a political party, there is currently none more pressing than to have these unconscionable policies dropped. If the current members will not change the policy, perhaps the only option is to change the members.

I read recently an opinion piece by David Brooks about members of the Republican Party horrified by Donald Trump but, who, as with our federal politicians here, refused to disown him, his behaviour, his policies. That article concluded, "There comes a time when neutrality and lying low becomes dishonourable. If you're not in revolt, you're in cahoots. When this period and your name are mentioned decades hence, your grandkids will look away in shame."

That is the epitaph that applies to all current members of the federal Parliament.

<http://www.canberratimes.com.au/comment/jon-stanhope-on-offshore-detention-20161030-gsebgr.html>

22. UN official criticises Australia's plan for lifetime ban on refugees who travel by sea

'Refugees need and deserve protection and respect,' says UNHCR official after Turnbull government announces plan for new laws to limit rights

The Guardian
Ben Doherty
Tuesday 1 November 2016 11.09 AEDT

The United Nations High Commissioner for Refugees has said it is "profoundly concerned" by Australia's plan to ban for life any asylum seeker who has attempted to reach the country by sea.

"Seeking asylum is not 'illegal'," Thomas Albrecht, the UNHCR's regional representative in Canberra, said in a statement.

"Refugees need and deserve protection and respect. The basic human right of every person to seek asylum from persecution is not diminished by their mode of arrival. Those forced to flee persecution need and deserve conducive conditions of protection, and a sustainable long-term solution."

Julie Bishop, the foreign minister, said on Tuesday the proposed ban was "the last piece of the work that we have to do to clean up the chaos after Labor's border protection policies".

Albrecht said the policy of offshore processing did not diminish Australia's legal responsibility for people who sought asylum in the country.

Australia retained responsibility for refugees and asylum seekers, even when they were transferred to another state under bilateral arrangements. And where transfer arrangements were used, Australia retained the obligation to ensure their well-being and to find adequate long-term solutions for those found to be refugees, Albrecht said.

The UN's refugee agency maintains that asylum-seekers should have their claims processed in the territory of the state from which asylum is sought or which otherwise has jurisdiction over them. In the case of those currently held on Manus Island or Nauru, that would mean processing on Australian soil.

There is significant disquiet politically at the government's proposed bill – Labor leader Bill Shorten described it as "ridiculous... on its face" – and it may breach Australia's international legal obligations.

Article 31 of the Refugees Convention – to which Australia is a party and legally bound – prohibits states from imposing any sanction or punishment on an asylum seeker because of the way in which they arrived, or imposing any permanent restriction on movement.

"States shall not impose penalties, on account of their illegal entry or presence, on refugees who ... enter or are present in their territory without authorisation," the convention states.

"States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularised or they obtain admission into another country."

Greg Barns of the Australian Lawyers Alliance said that if the bill was passed it was "likely to be scrutinised critically by the high court" and could be ruled unconstitutional.

“The court has made it clear the government has international obligations and that it is not above the law when it comes to people’s rights. To ban a person simply on the basis of mode of transport might be a step too far.”

The government has defended the proposed legislation, immigration minister Peter Dutton saying the legislation did not breach any of Australia’s international obligations.

“The legal advice is very clear ... there are no constitutional issues here ... and we are absolutely confident in terms of the constitutionality and that we meet our international obligations.

Dutton said the new law would enable third-country resettlement.

“We are keen to get people off to third countries if they can’t return to their country of origin,” he said. “We are working with a number of countries now.

“What we don’t want is if somebody is to go to a third country that they apply for a tourist visa or some other way to circumvent what the government’s policy is by coming back to Australia from that third country.”

The proposed legislation is widely seen as a pre-emptive move ahead of an announcement on third-country resettlement options for those held on Manus and Nauru. It would be a legislative instrument to prevent people resettled elsewhere from then applying to come to Australia by another migration channel.

Both offshore detention centres have been plagued by systemic physical violence and sexual assault of detainees, epidemic rates of mental health damage, and acts of self-harm and suicide, including public self-immolation.

Within the upper echelons of the immigration department, it is widely accepted the two offshore islands are unsustainable solutions, and, in the words of one department official “they are ticking time-bombs”, for further acts of self-harm, violence and unrest, unless other options are found.

The government is furiously working diplomatic channels to secure a third-country resettlement deal, and, internally at least, believes a deal with a new country can be brokered in coming months.

Publicly the government maintains Cambodia is a viable resettlement option for those on Nauru, but it is conceded inside the department that the attempt to encourage people to go there has been a catastrophic and costly – more than \$40m – failure, resettling only one person.

Ministers have resolutely refused to be drawn on possible resettlement countries, but the US, Canada, the Philippines, New Zealand and Malaysia (which would now be legal after being struck down by the high court in 2012) are those most commonly discussed.

But it is understood Australia’s search for a suitable third-country has extended across the globe, and it appears likely any deal might need to involve several countries to clear both islands.

The rhetoric around the proposed legislation, reinforcing the position that those who arrive by boat will never be allowed into Australia, is seen by the government as vital “messaging” to potential asylum seekers in the region who might be willing to consider a boat journey to Australia.

It is also aimed at those on Nauru and Manus, aimed at encouraging them to accept a third-country resettlement deal when it is offered.

<https://www.theguardian.com/australia-news/2016/nov/01/un-official-criticises-australias-plan-for-lifetime-ban-on-refugees-who-travel-by-sea>

23. MEDIA RELEASE: Govt rattled by PNG Supreme Court action: unpopular Turnbull turns to refugee bashing

Sunday Oct 30, 2016
Refugee Action Coalition
Ian Rintoul 0417 275 713
Nick Riemer 0481 339 937

The Turnbull government's announcement that it intends to ban for life, asylum seekers and refugees, who attempted to travel to Australia by boat after 19 July 2013, has been dismissed as political grandstanding by the Refugee Action Coalition.

"This is a desperate headline-grabbing announcement from a Prime Minister whose is now less popular than Tony Abbott, and a government that is trailing Labor in the polls. The Turnbull government is shamefully attempting to pre-empt a looming PNG Supreme Court action that seeks orders for the asylum seekers and refugees on Manus Island to be returned to Australia," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

The PNG Supreme Court action seeking compensation for human rights breaches and an order to return the Manus detainees was dismissed on a technicality on 27 October. But already over 600 detainees on Manus Island have signed court applications to ensure the court action can be resumed, perhaps as early as December.

"The announcement is proof positive that the government recognises that its claim that refugees from Manus and Nauru, would never come to Australia is just bluster. The government is trying to hide the fact that its offshore detention regime is disintegrating. Leaders of both PNG and Nauru have appealed for international help to resettle refugees, but the government has tried to bury its head in the sand.

"Turnbull's lifetime ban must be opposed," said Rintoul, "It is disgraceful that Bill Shorten and other Labor leaders have not yet completely rejected the proposal. Some Labor MPs have spoken out against the ban. They can help ensure that the Labor Party acts to kill off this draconian and misjudged legislation and declare they will vote against it.

"The inherently discriminatory legislation is also legally dubious and would likely face a constitutional challenge even if it did pass the parliament.

"Offshore detention has already divided husbands and wives and parents from children, brothers from sisters. Turnbull's threat of a lifetime ban would mean more divided partners and families. But people have had enough of cruel Coalition policies. Turnbull's threat as support to bring offshore detainees to the Australian mainland is growing."

Catholic bishops are just the latest to call on the Coalition government to : " Bring Them Here" :

<https://www.catholicweekly.com.au/time-to-bring-them-here-australian-bishops-statement-on-offshore-detention/>

Thousands of refugee supporters are expected to attend the "Doctor's March for Refugees" is being held in Sydney in Saturday, 5 November starting Hyde Park north, 1pm, marching to Circular Quay.

For more information contact Ian Rintoul 0417 275 713 (recently on Manus Island) ; Nick Riemer 0481 339 937

24. Peter Dutton says refugee crackdown meant to stop 'sham relationship' visas

Immigration minister says he will not allow any arrangement where people come to Australia on a spouse visa or other means

The Guardian
Helen Davidson
Wednesday 2 November 2016 17.18 AEDT

Federal government plans to block refugees who arrived in Australia by boat from ever returning on any kind of visa are essential because some may enter into "sham relationships" to get here, the immigration minister has said.

The government announced on Sunday it would seek to ban any adult who has had their application processed on Manus Island or Nauru from returning to Australia, including on tourism or business visas, regardless of where they end up settling.

On Wednesday Peter Dutton said the government was still talking to a number of third countries to take refugees off Australia's hands, but he was "not going to have any outcome that we put in place undermined by people coming back to our country through a separate visa process".

"I'm not going to allow an arrangement where people believe that it's OK to enter into what are essentially sham relationships to come to Australia on a spouse visa or through some other means," he said.

Asked about the impact the policy would have on families who had been split between countries, Dutton suggested ministerial intervention would be used "sensibly" to reunite families, but only in third countries, not Australia.

That would mean people who had been settled in Australia would have to emigrate to join a family member who was barred from settling or visiting Australia.

When asked if the policy was essential to getting a deal with other countries for refugee resettlement, Dutton said it was "imperative" in order to put the government's policy "in black and white", and accused advocates and media outlets of telling asylum seekers the government would "fold" and allow them into Australia.

The policy has been widely criticised as cruel and unnecessary. The opposition leader, Bill Shorten, said it was "ridiculous" on the face of it, but would not rule out supporting it until Labor had seen the legislation.

Dutton's press conference responded to criticisms from the former Labor prime minister, Kevin Rudd, who accused the government of trying to appease the far right with its plan.

“It is without any policy merit in dealing with the real policy challenges all countries face today in what is now a global refugees crisis,” he wrote in an opinion piece for Fairfax.

Dutton said Rudd was attempting to rewrite history, and called on Shorten to distance Labor from its former leader’s comments.

“We are not going to take advice from Kevin Rudd who, from the lofty heights of his apartment in New York, somehow wants to give us a lecture on how to control Australia’s borders,” he said.

<https://www.theguardian.com/australia-news/2016/nov/02/peter-dutton-says-refugee-crackdown-meant-to-stop-sham-relationship-visas>

25. Peter Dutton's 'sham relationships' claim questioned by migration experts

It’s ‘ludicrous’ to think a ban on refugees returning to Australia is needed to stop fake spousal visas, says migration specialist

The Guardian
Helen Davidson
Thursday 3 November 2016 15.31 AEDT

Migration experts and refugee advocates have questioned a claim by the immigration minister that the government’s plan to bar resettled refugees from ever returning to Australia was needed to stop “sham relationships”.

Peter Dutton told 2GB’s Ray Hadley on Thursday the proposal would prevent people resettled from Manus and Nauru in a third country coming to Australia “through the back door on some tourist visa, because that would just be the people smugglers rubbing their hands together having found another way to get people back into Australia”.

On Wednesday, Dutton had suggested that the ban, which would apply only to people processed on Nauru and Manus since July 2013 and include those in Australia for medical care, would strengthen reportedly imminent deals with third-party countries by closing the door to fake spousal visas as well as those for business and tourism.

“I’m not going to allow an arrangement where people believe that it’s OK to enter into what are essentially sham relationships to come to Australia on a spouse visa or through some other means,” he said.

Kerry Murphy, a credited migration specialist, said the idea new legislation was needed to prevent such relationships was “frankly ludicrous”.

Murphy estimated the department of immigration already assesses tens of thousands of such applications each year, and said restrictions and provisions already existed.

“You’re looking at a process the department deals with very regularly,” Murphy told Guardian Australia. “This is nothing new. Why not let the application go through the existing law that’s already there?”

Under migration law it is an offence to arrange a marriage for the purpose of obtaining permanent residency in Australia, or to make false or misleading statements about the genuine nature of a relationship in making the application.

If a departmental case officer – or subsequent review tribunal – is not satisfied the relationship is genuine, the application can be refused.

“The legislation is there and being used, probably on daily basis,” Murphy said. “There’s no reason or logic why the law needs to be changed for such a small group of people.”

Sanmati Verma, a migration law specialist from Clothier Anderson, said: “There is no reason to subject people to a permanent ban on entry, other than to send a punitive message.

“I think the ban is just a final ideological step ... that departs from any pretence that offshore processing was about forcing people back into the ‘queue’. It obliterates the queue.”

Natasha Blucher, detention rights advocate for the Asylum Seeker Resource Centre, said: “If the department is worried it means they don’t have confidence in their own internal processes. As far as I am aware there’s a high threshold of evidence to show a relationship is not a sham relationship.”

Blucher said she was unaware of anyone in the offshore centres seeking out a “sham relationship” in the hope of obtaining an Australian visa.

“But what we do have is a number of people who have families in Australia – wives, kids, husbands, extended families – on permanent visas,” she said. “Essentially what we’re looking at here is a law that’s going to separate family units. It’s abhorrent.”

Dutton suggested on Wednesday that families who were separated by this policy could be reunited with assistance from the department or ministerial intervention, but only in third countries, not Australia.

Vernma described the suggestion as “absurd” and questioned the legality of Australia attempting to resettle its permanent residents in another country.

She also questioned Dutton’s claim that he would exercise his ministerial discretion, and said the minister had restructured the process so much that he now had one of the lowest levels of ministerial involvement in individual cases in recent history.

The shadow immigration minister, Shayne Neumann, accused the government of changing its reasoning for the policy from day to day.

“Turnbull and Dutton said the reason for this legislation was to send the strongest possible message to people smugglers – as if they haven’t already been doing that for the past three years,” he told Guardian Australia.

“Then a day or two later they said it’s all about getting rid of these people off Manus and Nauru and resettling them, but when the New Zealand prime minister said they don’t want second-class citizens, [the government] said, ‘oh no, it’s America.’

“Now they’ve said it’s about sham marriages – without any cogent, reasonable or probative evidence produced.

“If you’re going to bring someone in on a spouse visa, you’re going to have to prove the genuineness of the relationship, and you need strong evidence to prove that.”

Despite objecting to all the government’s statements made about the proposal so far, Neumann would not be drawn on whether Labor would support it in parliament.

He said the government had told Labor it would not receive the legislation until next week and Labor could not make a decision until then. “I don’t think it’s unreasonable for the opposition to hold its fire and take it through the proper process,” he said.

“We’re not going to take their comments on face value, when those comments change and are variable from day to day.”

Neumann said the suggestion that the department could assist with family reunions in a third-party country was “extraordinary” and Dutton was putting himself up as “the guardian of family reunions and family values”.

He said Dutton would have to take legal advice about how an Australian minister could intervene in another country’s migration processes.

Dutton’s office did not respond to questions.

<https://www.theguardian.com/australia-news/2016/nov/03/peter-duttons-sham-relationships-claim-questioned-by-migration-experts>

26. Kevin Rudd in blistering attack on Malcolm Turnbull over asylum seeker laws

Sydney Morning Herald
November 2 2016
James Massola

Kevin Rudd has ripped into Malcolm Turnbull over the government’s proposed asylum seeker laws, saying they must be opposed, and arguing the Prime Minister is pandering to a “Hansonite insurgency” and that he has misrepresented the 2013 deal struck with Papua New Guinea.

In his first significant foray into domestic politics since he lost office, Mr Rudd accused Mr Turnbull of doing everything he could to appease the “mad right” of the Coalition.

His attack was a departure from the convention whereby former prime ministers generally avoid criticising their successors.

On Sunday, the Coalition said it would rush new laws into Parliament next week that would introduce a lifetime ban on all visas for asylum seekers who have attempted to come to Australia by boat, even if they are genuine refugees and seek to come as tourists decades later.

The ban would apply to all adults detained at the Manus Island or Nauru detention centres from July 19, 2013, when Mr Rudd said anyone seeking to come to Australia without a visa would never settle here.

Opposition leader Bill Shorten strongly criticised the proposal – claiming it was designed to appease the political far right – but stopped short of ruling out support for the plan.

Mr Rudd's comments are likely to increase pressure on Mr Shorten to rule out support for the proposed laws.

In a scorching opinion piece for Fairfax Media, Mr Rudd said that "Turnbull's latest legislative folly should be opposed", and that the Prime Minister had "now repudiated virtually everything he once stood for" in order to hang on to his job after a "near-death experience in the July election".

"This is both bad policy and bad politics: on policy, the far right in Australia represent the worst of the xenophobic, nationalist and protectionist wave that we now see raging across Europe and America; while on politics, appeasement of political thugs like Abbott, Dutton, Abetz, Andrews and, depending on which way the wind is blowing, Morrison, only embolden the far right to demand more, not less," he writes.

"This measure is about the politics of symbols, designed to throw red meat at the right, including the Hansonite insurgency, and to grovel to the broad politics of xenophobia. Turnbull, once an intelligent, global citizen, knows better."

Mr Rudd, now based in New York, goes on to say that the 2013 deal with PNG for refugees to be processed on Manus Island – struck during his brief return as prime minister – had been intended to run for one year only, and was designed as a mechanism to break the "gathering momentum of the people-smuggling industry".

"Neither Abbott nor Turnbull have honoured the refugee protections outlined in the 2013 agreement because it was not in their domestic political interests to do so," he writes, saying the deal should not have been renewed.

The Coalition, however, had junked the principle of "non-refoulement" – which stops refugees being sent back to a place where they face harm – and "mis-represented the 2013 agreement as permanent, rather than as a temporary one-year measure", he writes.

Crucially, he says, the Turnbull government had also "cruelly refused the offer from New Zealand to resettle 150 refugees annually from Manus and Nauru, when the 2013 agreement explicitly provides for resettlement to third countries".

"I have kept silent on Australian domestic policy debates for the last three years. But this one sinks to new lows. It is pure politics designed to appease the xenophobes," Mr Rudd concludes.

Mr Rudd's extraordinary intervention came after Mr Turnbull rejected claims from One Nation leader Pauline Hanson that refugees were not welcome in Australia, because many were economic refugees seeking generous welfare.

In recent days, Mr Turnbull has frequently recalled that in 2009, while opposition leader, he had "begged" Mr Rudd not to change John Howard's border protection policies.

Mr Turnbull has argued the new visa ban is necessary because his government is trying to resolve the problem created by Mr Rudd – prompting the former prime minister's intervention.

<http://www.smh.com.au/federal-politics/political-news/refugee-ban-kevin-rudd-in-blistering-attack-on-malcolm-turnbull-over-asylum-seeker-laws-20161101-gsfb4l.html>

27. Kevin Rudd accuses Malcolm Turnbull of appeasing 'xenophobes' with refugee crackdown

Former PM says Turnbull is pandering to Pauline Hanson and the 'mad right' of Coalition with lifetime ban on asylum seekers who try to get to Australia by boat

The Guardian
Paul Karp and agencies
Wednesday 2 November 2016 07.02 AEDT

Kevin Rudd has accused Malcolm Turnbull of trying to appease the right of the Liberal party with his latest plan to ban some asylum seekers from entering Australia.

The former Labor prime minister, who has kept quiet on domestic policy issues for the past three years, argues the proposal to stop people arriving by boat from ever obtaining a visa should be opposed.

"The far right in Australia represent the worst of the xenophobic, nationalist and protectionist wave that we now see raging across Europe and America; while in politics, appeasement of political thugs like [Tony] Abbott, [Peter] Dutton, [Eric] Abetz, [Kevin] Andrews and, depending on which way the wind is blowing, [Scott] Morrison, only embolden the far right to demand more, not less," Rudd wrote in an opinion piece published by Fairfax Media on Wednesday.

"This measure is about the politics of symbols, designed to throw red meat at the right, including the Hansonite insurgency, and to grovel to the broad politics of xenophobia. Turnbull, once an intelligent, global citizen, knows better."

Rudd described the Coalition's plan as "legislative folly".

"I have kept silent on domestic policy debates for the past three years. But this one sinks to new lows. It is pure politics designed to appease the xenophobes. It is without any policy merit in dealing with the real policy challenges all countries face today in what is now a global refugees crisis.

"And it does nothing to help those refugees left to rot for more than three years, who should be resettled now."

Rudd argued a 2013 deal he struck with Papua New Guinea to process refugees through Manus Island was only meant to run for a year.

"This July 2013 policy was conceived as a mechanism to break the gathering momentum of the people-smuggling industry," he wrote.

The Coalition deliberately misrepresented it as a permanent measure, he added.

Rudd also criticised the government for a failed refugee resettlement agreement with Cambodia and for refusing to accept New Zealand's offer to resettle 150 refugees.

The government has denied the measure is designed to appease One Nation, although its leader Pauline Hanson has been one of the most vocal supporters of the ban because it sends the message "refugees are not welcome here".

On Tuesday Turnbull said he "disagreed with her proposition that we should not welcome refugees to Australia".

The government claims the refugee travel ban would boost the effectiveness of a third party resettlement deal because it would prevent people who agreed to settle elsewhere ever travelling to Australia.

In the absence of a third party deal, the foreign affairs minister, Julie Bishop, has encouraged people seeking asylum to return to their country of origin and refugees to settle in Cambodia, Papua New Guinea or Nauru.

Rudd joins a host of current and former Labor politicians who have criticised the proposed ban including senator Lisa Singh, MP Linda Burney and former New South Wales premier Kristina Keneally.

The opposition leader, Bill Shorten, has said aspects of the proposed refugee travel ban are "ridiculous" because it would prevent people coming to Australia as a tourist or on a business trip after being resettled in another country.

But Labor has not committed to oppose the ban until it sees the details of it.

Cabinet minister Mathias Cormann said Rudd had no credibility on the issue of asylum seekers because Labor caused "chaos and dysfunction" on Australia's borders.

"Kevin Rudd has completely lost the plot," he told ABC radio. "The government is not going to take advice off somebody of such little credibility as Kevin Rudd."

<https://www.theguardian.com/australia-news/2016/nov/02/kevin-rudd-accuses-malcolm-turnbull-of-appeasing-xenophobes-with-refugee-crackdown>

28. The Saturday Paper: Contradictions in Dutton's refugee life ban

As the government announces a lifetime ban on boat arrivals ever visiting Australia, criminals deported to New Zealand can find their way back.

The Saturday Paper
Karen Middleton
Nov 5, 2016

When parliament previously sat two weeks ago, Immigration Minister Peter Dutton was trumpeting the government's success in deporting foreign nationals who had committed crimes in Australia.

He was especially pleased about the deportation of members of outlaw motorcycle gangs, many of whom are New Zealand citizens.

Dutton told parliament on October 18 that the government had cancelled the visas of 106 bikies in the past year.

"We will not stop, because we are going to continue to work with those agencies to clean up the sector, to make sure that we can deal with these outlaw motorcycle gang members so they cannot inflict the pain and agony on young children and families around the country," he told the house of representatives.

But New Zealand Police is concerned that these deportees, who in some cases have not lived in NZ for decades, are now inflicting just such troubles on their citizens instead.

Australia's handling of visa cancellations has caused trans-Tasman tensions, with the NZ authorities frustrated that they are being given inadequate warning about the imminent arrival of these people, some of whom have no current ties there, other than retaining a passport.

And it seems New Zealand may have identified a loophole in the process that is allowing some people to turn around and come back to Australia.

The Saturday Paper understands NZ authorities have notified their Australian counterparts that they believe some of those who have been deported from Australia on character grounds – either because of criminal convictions or association – have legally changed their names, obtained new passports and headed back across the Tasman.

Because they have not committed offences in New Zealand, the NZ government and its agencies have limited capacity to stop them.

It contrasts with the treatment of refugees, who are now being told they will not be allowed into Australia for their lifetimes, even if they are settled in and become citizens of a third country and despite not being convicted of any offence.

FULL STORY AT <https://www.thesaturdaypaper.com.au/news/politics/2016/11/05/contradictions-duttons-refugee-life-ban/14782644003944>

29. Shorten says proposed lifetime ban on asylum seekers is to appease right wing

Labor's official response is expected this week but the Labor leader says the Coalition's plan seems 'ludicrous'

The Guardian
Gareth Hutchens
Sunday 6 November 2016 11.54 AEDT

The Labor leader, Bill Shorten, says the government's plan to ban asylum seekers who arrive by boat from ever being allowed into Australia looks like it was designed to appease the Coalition's right wing.

Labor is expected to have an official response to the plan this week. Shorten said on Sunday he thought the Coalition's proposal was "ludicrous on face value" but he had to let his party go through its normal decision-making processes.

Shadow cabinet will meet on Monday evening and the Labor caucus will meet on Tuesday morning. Labor is expected to decide the matter on Tuesday.

The Coalition said last week that it wanted to ban adult asylum seekers who had previously tried to enter Australia by boat since 19 July 2013, and who had been sent to detention centres on Nauru or Manus Island, from ever being allowed into the country.

It means adults who have previously tried to enter Australia by boat since 19 July 2013, but who have chosen to return home, will never be allowed to get a visa to Australia – as a tourist, for business, or as a spouse.

The controversial proposal was welcomed by the One Nation leader, Pauline Hanson, who tweeted: "Good to see that it looks like the government is now taking its cues from One Nation. Just like last time."

But the UN high commissioner for refugees said he was "profoundly concerned" by the plan.

Greg Barns of the Australian Lawyers Alliance said if the bill were passed it was "likely to be scrutinised critically by the high court" and could be ruled unconstitutional.

On Sunday, Shorten said the Turnbull government had given Labor a copy of the legislation on Friday afternoon, five days after announcing it.

He said the proposal looked like it had been designed to keep the right wing of the Liberal party, and rightwing elements of the Senate, "from eating [Turnbull] alive."

"On its face, the idea you will deter people smugglers by saying a genuine refugee who becomes a citizen of another country couldn't visit Australia in 2056 – it's just ridiculous," Shorten told the ABC's Insiders program.

He also said he had not seen any signs that the Turnbull government was working on a resettlement deal for asylum seekers in detention on Nauru and Manus Island to complement its proposed lifetime visa ban.

"We see no signs that the government has got any resettlement plans to conclude," he said.

"I thought maybe this might be part of an architecture of a bigger deal, but they've rushed out and denied that.

"I also wondered, when this legislation, which I think most sensible people think is over the top, was floated, I thought maybe they have a deal with New Zealand ... but John Key, the prime minister of New Zealand, a conservative prime minister, has said the idea they would create New Zealand citizens with different standing to be able to travel around the world, he wasn't up for."

According to a News Corp report on Sunday, the Turnbull government is in resettlement talks with Malaysia, Indonesia, the Philippines and central American countries, but no deal is imminent.

<https://www.theguardian.com/australia-news/2016/nov/06/shorten-says-proposed-lifetime-ban-on-asylum-seekers-is-to-appease-right-wing>

30. Refugee visa ban a likely breach of UN convention

Sydney Morning Herald

November 4 2016

Michael Gordon, Fergus Hunter

Malcolm Turnbull's claim that his planned ban on refugees processed offshore from ever visiting Australia does not breach international law has been challenged by the United Nation's refugee agency.

The agency's regional representative, Thomas Albrecht, has told Fairfax Media the ban appeared to be in breach of Article 31 of the Refugee Convention, which prohibits refugees being penalised for seeking protection in an irregular manner.

The Prime Minister has challenged Labor to back the ban when Parliament resumes on Monday, though neither the opposition nor the UNHCR has yet been shown the draft legislation. Labor leader Bill Shorten has labelled the ban "ridiculous".

Pressed on whether the ban was in breach of Article 31 of the convention, Mr Turnbull has said: "We have taken legal advice and we are satisfied it is within power and consistent with our international obligations."

Immigration Minister Peter Dutton has argued the ban is necessary to prevent any refugees resettled from Manus Island or Nauru from entering Australia "through the back door on some tourist visa".

An announcement on where and when the refugees will be resettled is expected soon, possibly in the next fortnight, with the United States, Canada, New Zealand and Malaysia considered likely to share the caseload.

But Mr Albrecht has rejected any notion that the resettlement of those who have spent more than three years on Manus and Nauru justifies the imposition of the lifetime ban.

"While solutions for refugees currently on Nauru and Papua New Guinea are critical, third-country settlement for them would not alter Australia's fundamental obligations to provide asylum to those who need and seek its protection, including by sea," he said.

Mr Turnbull says the ban is intended to send the strongest possible message to people smugglers that their passengers will never be permitted to settle in Australia.

Meanwhile, the Human Rights Law Centre has condemned the return of a man from Australia to Nauru on Thursday night, saying it would "terrify hundreds of refugees and people seeking asylum currently in the Australian community but still fearful of being sent back offshore".

Daniel Webb, the centre's director of legal advocacy, said he understood the man had been assessed as a refugee and was legally represented but was removed without any notice to him or his lawyers.

"A decent and compassionate government which respects the rule of law doesn't choose to secretly deport people found to be refugees in the middle of the night without any transparency, due process or access to legal advice," said Mr Webb.

<http://www.smh.com.au/federal-politics/political-news/refugee-visa-ban-a-likely-breach-of-refugee-convention-20161104-gsic81.html>

31. Man secretly deported to Nauru from Melbourne detention centre, say lawyers

Advocates allege the man was removed at night without warning and without being able to contact legal representatives

The Guardian
Helen Davidson
Friday 4 November 2016 20.01 AEDT

The immigration department has secretly deported a man to Nauru from a Melbourne detention centre, according to lawyers and advocates.

The man, who is understood to have been granted refugee status, was allegedly removed from the Mita facility on Thursday night without warning and without being able to contact his legal representatives.

It's believed he was in Australia for medical treatment, but it's not known if that treatment had ended.

Despite being in a similar situation, he is not part of the cohort of asylum seekers and refugees who have a commitment from the federal government that 72 hours' notice would be given before any deportation.

Legal cases have been filed on behalf of those individuals and the government gave a formal undertaking in the proceedings before the high court that there would be three days' warning given to legal teams of any planned deportation.

"A decent and compassionate government which respects the rule of law doesn't choose to secretly deport people found to be refugees in the middle of the night without any transparency, due process or access to legal advice," said Daniel Webb, director of legal advocacy at the Human Rights Law Centre (HRLC).

Webb said the man was not a client of theirs, but did have legal representation.

The Department of Immigration told Guardian Australia it did not comment on individual transfers.

The HRLC is representing 320 people currently in Australia after being transferred from Nauru for medical care.

Webb said the shock deportation, coupled with the government's discussion of permanent visa bans on refugees this week, had distressed those on Nauru and Manus Island, and in Australian detention.

"There are kids in our classrooms right now who in the space of the last few days have heard [the prime minister] Malcolm Turnbull threatening lifetime bans and now seen someone in a similar situation to them secretly deported," he said. "They are understandably afraid and really unsettled. What are they supposed to say to their friends at school? It's fundamentally cruel."

Migration experts have questioned the veracity of the government's plan to introduce bans on anyone who was processed as a refugee on Manus or Nauru from ever returning to Australia, including as tourists, on business, or as the spouse of a resident.

The immigration minister, Peter Dutton, has said the new rules are essential to stop people coming into Australia "through the back door" and entering into "sham relationships". However, he has failed to explain why current screening processes are not adequate.

Labor has ridiculed the proposal and criticised the government for changing its messaging from day to day, but refused to rule out supporting it as it had not been provided with any legislation to assess.

On Friday morning, the leader of the House, Christopher Pyne, said the legislation would be released "as soon as it's ready to be introduced, because it's pretty straightforward".

The government has maintained it is still in talks with several countries to act as third-party settlement destinations for the refugees processed offshore, but released no details.

There are suggestions the US and Canada may be involved. New Zealand's prime minister, John Key, said there had been no new discussion with the Australian government and that New Zealand would not support the creation of "different classes of citizens".

Key said Australia had "no obvious appetite" to take his country's offer to resettle 150 refugees from Nauru and it was "increasingly unlikely" an agreement would be reached.

On Friday, Turnbull also defended the government's slow processing of the 12,000 Syrian refugees it had pledged to resettle and said it was because it was "taking very thorough security checks".

<https://www.theguardian.com/australia-news/2016/nov/04/man-secretly-deported-to-nauru-from-melbourne-detention-centre-say-lawyers>

32. AMA says attempts to help asylum seekers on Nauru frustrated by immigration department

Australian Medical Association says department's processes complicated and lack transparency

The Guardian

Helen Davidson

Friday 4 November 2016 16.55 AEDT

Attempts by Australia's peak medical association to assist sick asylum seekers detained on Nauru continue to be stymied by complicated immigration processes that "lack transparency", a Senate inquiry has been told.

In September the Senate committee on legal and constitutional affairs launched an inquiry into allegations of abuse, self-harm and neglect of asylum seekers in Australia's offshore processing centres after the Guardian's publication of the Nauru files.

In its submission to the inquiry, published on Friday, the Australian Medical Association said it was routinely contacted by asylum seekers with concerns about their healthcare but the process required by the department for them to assist was "complicated and lacks transparency".

In several cases the AMA claimed the department provided advice on a person's condition that contradicted their own information.

The AMA was also concerned there was "insufficient follow-up and reporting" from the department after it raised a number of concerning individual cases directly with it and the chief medical officer of Australian Border Force, Dr John Brayley.

"While the department does provide brief responses on some asylum seekers, the AMA is not always able to ascertain whether quality and appropriate health services, management and treatment is being provided as there is no independent, transparent body of clinical experts that can verify or report on this," the submission said.

Among the cases cited, the AMA said it had contacted the department several times with concerns about the physical and mental health of one woman who had been in detention for more than three years and was possibly at risk of suicide.

According to the AMA the department's response to its concerns included a finding that: "Whilst [redacted] did state that she continues to hear voices, these are much less than previously and the voices did not contain any derogatory or command hallucinations."

The department increased the woman's anti-psychotic medication and recommended another review in a month's time, according to the response.

"At the time of writing this submission, the AMA has no further information about this asylum seeker, whether she continues to self-harm or if her hallucinations and 'voices' indicates more severe mental illness requiring specialist psychiatric care."

In another case, first revealed at a conference in February by the then AMA president, Prof Brian Oowler, a 70-year-old Rohingya man was brought to the organisation's attention after he suffered extremely ill health on Manus Island. Oowler recommended to Brayley that the man needed immediate healthcare or he was "likely to die".

After being told that a transfer request "should have been put in train" the previous week, the AMA received no further information.

Another asylum seeker held on Manus Island spoke with an endocrinologist via teleconference in January. According to an account given to the AMA, the specialist hadn't seen the man's records and forgot to ask him about his symptoms until the man mentioned it.

When the AMA subsequently received the man's records, they were on a password protected disc with no password supplied.

The AMA said the cases listed were "some, but by no means all" of the asylum seekers who asked for its help and it acknowledge not all information could be independently verified.

However, it said: "The AMA does not believe those detained on Manus and Nauru, either within detention facilities or within the community, are able to access a healthcare service of the same standard that a person in the Australian mainland would receive."

It said refugees and asylum seekers on Nauru were still not receiving adequate medical care and it reiterated calls for a national statutory oversight body.

In another submission to the inquiry, the Royal Australasian College of Physicians said it wasn't consulted before the government's recent change to the Border Force Act.

The change, made on the eve of a high court challenge, removed health practitioners from laws that made it a jailable offence to disclose information about conditions on Nauru, outside of internal channels.

The college said it received no formal communication about the change either before or after, and there remained "ambiguity" about what protections actually existed for health and medical professionals.

"The amendment to the determination was not subject to parliamentary process and does not represent a substantive legislative amendment," it said.

The Royal Australian and New Zealand College of Psychiatrists also called for the disclosure provisions to be repealed and recommended independent oversight, improved policies around reporting, investigating and transparency, and for allegations of abuse to be reviewed by the current royal commission into child abuse.

The inquiry is due to report in March and is taking submissions until Monday.

<https://www.theguardian.com/australia-news/2016/nov/04/ama-says-attempts-to-help-asylum-seekers-on-nauru-frustrated-by-immigration-department>