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1. Naomi Klein: It was the rise of the Davos class that sealed America's fate
2. Waleed Aly: It's not about racism or sexism, it's about class warfare
3. Hadley Freeman: Misogyny won the US election – let's stop indulging angry white men
4. Katharine Murphy: Turnbull turns towards humanity but refugees' nightmare of fear and scapegoating yet to end
5. Refugees on Nauru and Manus Island may be resettled in US
6. Coalition close to deal with US on Nauru and Manus island detainees
7. Australia 'has plenty of time' to strike refugee deal with US, Christopher Pyne says
8. Australia poised to announce refugee resettlement deal with United States
9. Refugees held in Australian offshore detention to be resettled in US
10. United States confirms Manus Island and Nauru deal with Turnbull government
11. Malcolm Turnbull, Peter Dutton announce refugee resettlement deal with US
12. MEDIA RELEASE: Uncertainty surrounds US refugee deal: Australia needs to bring them here
13. Nauru and Manus centres to close by 2019 under Coalition asylum seeker solution
14. Labor calls out Government for blocking Malaysia refugee settlement amid reports of deal with United States
15. Turnbull to renew focus on Operation Sovereign Borders to combat people smugglers
16. Labor rejects government's proposed lifetime refugee travel ban
17. MEDIA: ALP lifetime ban opposition exposes 3rd country myth: Now Bring Them Here
18. Labor to vote against Turnbull government's lifetime refugee visa ban
19. Analysis: Labor's confidence to break ranks on refugee policy sign of Malcolm Turnbull's troubles
20. Malcolm Turnbull is breaking international law with cruel lifetime refugee ban
21. Asylum seekers and refugees in PNG lodge new claim for illegal detention compensation
22. Iranian refugee says he was attacked by a group of men on Manus Island
23. Nauru security firm says it wasn't required to pass on 400 'information reports' to Australia
24. Syrian held on Nauru lands in Cambodia as sixth refugee to take up resettlement offer
25. Qantas flight protester trying to stop asylum seeker transfer told she 'can't pick' laws to follow
26. Kevin Rudd accuses Malcolm Turnbull of lying over asylum seeker 'begging' claims
27. Senate looks for compromise on legislation to ban refugees from ever entering Australia
28. Refugee deported to Nauru had arrived in Australia on cruise thinking he had valid visa
29. Australia's people smuggling ambassador hasn't been to Nauru since appointment: FOI documents

1. Naomi Klein: It was the rise of the Davos class that sealed America's fate

Hillary Clinton's embrace of neoliberalism was disastrous. The only answer now is to take on the billionaires

The Guardian

Naomi Klein

Thursday 10 November 2016 07.22 AEDT

They will blame James Comey and the FBI. They will blame voter suppression and racism. They will blame Bernie or bust and misogyny. They will blame third parties and independent candidates. They will blame the corporate media for giving him the platform, social media for being a bullhorn, and WikiLeaks for airing the laundry.

But this leaves out the force most responsible for creating the nightmare in which we now find ourselves wide awake: neoliberalism. That worldview – fully embodied by Hillary Clinton and her machine – is no match for Trump-style extremism. The decision to run one against the other is what sealed our fate. If we learn nothing else, can we please learn from that mistake?

Here is what we need to understand: a hell of a lot of people are in pain. Under neoliberal policies of deregulation, privatisation, austerity and corporate trade, their living standards have declined precipitously. They have lost jobs. They have lost pensions. They have lost much of the safety net that used to make these losses less frightening. They see a future for their kids even worse than their precarious present.

At the same time, they have witnessed the rise of the Davos class, a hyper-connected network of banking and tech billionaires, elected leaders who are awfully cosy with those interests, and Hollywood celebrities who make the whole thing seem unbearably glamorous. Success is a party to which they were not invited, and they know in their hearts that this rising wealth and power is somehow directly connected to their growing debts and powerlessness.

For the people who saw security and status as their birthright – and that means white men most of all – these losses are unbearable.

Donald Trump speaks directly to that pain. The Brexit campaign spoke to that pain. So do all of the rising far-right parties in Europe. They answer it with nostalgic nationalism and anger at remote economic bureaucracies – whether Washington, the North American free trade agreement the World Trade Organisation or the EU. And of course, they answer it by bashing immigrants and people of colour, vilifying Muslims, and degrading women. Elite neoliberalism has nothing to offer that pain, because neoliberalism unleashed the Davos class. People such as Hillary and Bill Clinton are the toast of the Davos party. In truth, they threw the party.

Trump's message was: "All is hell." Clinton answered: "All is well." But it's not well – far from it.

Neo-fascist responses to rampant insecurity and inequality are not going to go away. But what we know from the 1930s is that what it takes to do battle with fascism is a real left. A good chunk of Trump's support could be peeled away if there were a genuine redistributive agenda on the table. An agenda to take on the billionaire class with more than rhetoric, and use the money for a green new deal. Such a plan could create a tidal wave of well-paying unionised jobs, bring badly needed resources and opportunities to communities of colour, and insist that polluters should pay for workers to be retrained and fully included in this future.

It could fashion policies that fight institutionalised racism, economic inequality and climate change at the same time. It could take on bad trade deals and police violence, and honour indigenous people as the original protectors of the land, water and air.

People have a right to be angry, and a powerful, intersectional left agenda can direct that anger where it belongs, while fighting for holistic solutions that will bring a frayed society together.

Such a coalition is possible. In Canada, we have begun to cobble it together under the banner of a people's agenda called The Leap Manifesto, endorsed by more than 220 organisations from Greenpeace Canada to Black Lives Matter Toronto, and some of our largest trade unions.

Bernie Sanders' amazing campaign went a long way towards building this sort of coalition, and demonstrated that the appetite for democratic socialism is out there. But early on, there was a failure in the campaign to connect with older black and Latino voters who are the demographic most abused by our current economic model. That failure prevented the campaign from reaching its full potential. Those mistakes can be corrected and a bold, transformative coalition is there to be built on.

That is the task ahead. The Democratic party needs to be either decisively wrested from pro-corporate neoliberals, or it needs to be abandoned. From Elizabeth Warren to Nina Turner, to the Occupy alumni who took the Bernie campaign supernova, there is a stronger field of coalition-inspiring progressive leaders out there than at any point in my lifetime. We are "leaderful", as many in the Movement for Black Lives say.

So let's get out of shock as fast as we can and build the kind of radical movement that has a genuine answer to the hate and fear represented by the Trumps of this world. Let's set aside whatever is keeping us apart and start right now.

<https://www.theguardian.com/commentisfree/2016/nov/09/rise-of-the-davos-class-sealed-americas-fate>

2. Waleed Aly: It's not about racism or sexism, it's about class warfare

Sydney Morning Herald
November 10 2016 - 12:11PM
Waleed Aly

It's the unmitigated disbelief that's telling. Even as the rise of Trumpism broke every barrier that was meant to stop it, no one outside the Fox News bubble genuinely thought it could break the final barrier. Not the pollsters, not the pundits, not even Trump's own aides.

And certainly not casual observers who just assumed you couldn't attract Ku Klux Klan endorsements, boast about sexually assaulting women, and pledge to build a wall to keep out Mexicans who are "criminals, drug dealers, rapists, etc", and still become the president of the United States.

In the end Trumpism cannot be reduced to simple, crude identity politics. There's no doubt it's there, just ask all the white supremacists who championed him. And it will almost certainly inspire a truly awful wave of ugliness against women and minorities around the world.

But the truth is that crude prejudice is not nearly enough to win an election. Not this one, anyway. And most importantly, that's not how many of Trump's voters see him.

Exit polls during the election (for what they're worth) show 70 per cent of voters were bothered by Trump's alleged treatment of women. The same amount wanted to see illegal immigrants given a path to legal status. Only a quarter wanted to see them deported. Most of them (80 per cent) voted for Trump, but that makes up less than half his vote. It's not how Trump won.

It turns out Trump's vulgarity, his barely unvarnished racism and sexism was, if not a distraction, then highly distracting. Strip them away – possibly with an industrial strength solvent – and you're left with a campaign that would be more at home in the Democrats.

Suspicious of free trade, disparaging of corporate behemoths, preaching that big money is screwing the little guy, thoroughly anti-globalisation. And it's this message – this deeply radical message that has nothing to do with what America has been since at least Ronald Reagan – that has made a Trump administration possible.

Racism might have helped to give Trump the southern states Republicans usually win anyway. But Trump won this in the white working class states Democrats usually take for granted, some of which they haven't lost for years.

Clinton didn't even visit Wisconsin after she won the nomination. She wouldn't even have considered she could lose Michigan until the past fortnight. Pennsylvania? That, too, was part of Clinton's "blue wall" that was meant to give Trump nowhere to go. Trump smashed through it. And he did it with a politics of class.

For some 30 years, that's been heresy. Especially since the end of the Cold War, ours has been a politics of identity, of liberation. That is, it's been a thoroughly liberal politics: free, open, unbounded lives in a free, open, unbounded economy. That's especially visible to us in Australia where the old politics of class solidarity gave way to a new politics of non-discrimination, human rights and symbolic (but definitely not economic) equality.

But even in America, consider the milestones of social progress in the past 50 years: the sexual revolution, the civil rights movement, feminism, the digital revolution. All these changes have been momentous. Several of them inspiring and utterly necessary. But none of them has benefited working class whites who have seen no expansion of their rights and no appreciable economic payoff, either.

What they've seen is the empowerment of everyone else, including other white people. But they've had no story to tell of their own because contemporary politics gives them no way of telling it. Class went out with Marxism, so if you didn't have a big tech idea to sell or an identity politics to assert, you had nothing to say.

You know all those Silicon Valley geniuses working on driverless vehicles and extraordinary robotics that will be able to run entire factories? They're voting Democrat. And they're doing it with plenty of thought for the employers who will add billions in saved labour costs to their profits, and barely any thought at all for the working classes they'll sweep aside.

Something's wrong when a Manhattan billionaire with a record of using illegal immigrant labour and a procession of legal complaints against him for failing to pay his workers becomes the voice of working class America.

Yes, I get that his voters see Trump as a defector: the guy who played the system that's screwing them and who has now pledged to lead their revolutionary army. But it's surely a sign of just how class-blind politics has become, and just how thoroughly progressive politics has abandoned its working class concerns, that Trump leads this vanguard.

He can do this because progressives have treated the working class largely as a source of xenophobia, which they are pledged to fight. For years now, classism has been among the last permissible prejudice, which Australians express by routinely lampooning bogans.

And it is surely a sign of how completely the political right has fallen apart that its world leader is spouting rudimentary left-wing economic pamphlets. We're watching an epic realignment here. Class is back in politics. We ignore it at our peril. And our almost determined blindness to it is exactly why we're standing here in disbelief now.

<http://www.smh.com.au/comment/us-election-2016-its-not-about-racism-or-sexism-its-about-class-warfare-20161109-gslxzs.html>

3. Hadley Freeman: Misogyny won the US election – let's stop indulging angry white men

America's white working classes have suffered. But it shouldn't be taboo to call voters out for falling for racist and sexist messages

The Guardian
Thursday 10 November 2016 17.00 AEDT
Hadley Freeman

'Grab 'em by the pussy' was the line that was supposed to have ended Donald Trump's campaign for presidency. Instead it turned out to be one of the most astonishing and successful strategies for the highest office. In a campaign based on racism, misogyny and bullying, Trump proved that boasting about sexually assaulting women, far from ruining a man's career, can boost it; and white women voted for him in droves. Grab 'em by the pussy, indeed. The first black American president will now be succeeded by a man endorsed by the Ku Klux Klan. This, according to Trump and his supporters, male and female, is what the American dream actually looks like.

A lot will be written about how Trump's victory represents a backlash of rage from the white working classes. The election of Trump, this narrative goes, proves how these people feel ignored by the elite politicians and metropolitan media. We need to hear more from these people, the argument continues, and how they have suffered because of globalisation, the demise of industry, the opioid crisis, the death of the American dream.

It's interesting, this take, not least because, far from being a "working-class revolt", 48% of those who earn more than \$250,000 (these people only made up 46% of Clinton's supporters) and 49% of white college graduate voters chose Trump. But even leaving that aside, to say that no one took notice of the angry white vote in this US election is awfully reminiscent of British politicians saying "no one talks about immigration", when it feels like – you know what? I think we got that base well and truly covered.

Far from ignoring the white working class during this election, they were written about so extensively by nervously placatory liberal journalists that these articles became a genre unto themselves, satirised perfectly by Benjamin Hart last week ("I couldn't help but notice that people in Bleaksville are angry ... I wanted to hear more but Ed explained that David Brooks had scheduled an interview with him to discuss whether he ate dinner with his family every night, and what it means for America.")

So here's an alternative take: we've heard enough of white rage now. Oh sure, listen to the grievances of enraged voters. But understanding them is different from indulging them, and the media and politicians – in the US and UK – have for too long conflated the two, encouraging the white victim narrative and stoking precisely the kind of nasty, race-baiting campaigns that led to Brexit and Trump (as the voter demographics have proved, the linking factor in Trump voters is not class but race).

Both campaigns promised to turn the clock back to a time when white men were in the ascendance, and both were fronted by privately educated false prophets such as Nigel Farage and Trump, absurdly privileged buccaneers who style themselves as friends of the working classes while pushing policies that work against them. They have bleached language of meaning, boasting that they aren't "career politicians" (now a negative thing as opposed to someone who has devoted their life to public service), and they scorn "experts" (who are now apparently the biggest threat to democracy).

Trump's supporters, like Brexit supporters before them, will say that these are merely the bleatings of the sore losers – the Remoaners, the Grimtons, or whatever portmanteau is conceived next. This objection always misses the obvious point that these people aren't mourning for themselves. Whereas those who voted for Trump and Brexit did so to turn time back for their personal benefit, those who voted for remain or Hillary Clinton did so because they know time only moves forward, and this benefits society. To try to force it back hurts everyone.

To call out voters for falling for such damagingly racist and sexist messages is viewed by politicians as a vote-killer and dangerously snobby by the media, as though working-class people are precious toddlers who must be humoured and can't

possibly be held responsible for any flawed thinking. There is no doubt the white working classes in the west have suffered in recent decades, yet no other demographic that has endured similarly straitened circumstances is indulged in this way. For decades, American politicians have demonised the black working classes who suffered far worse structural inequalities and for far longer – and Trump continues to do so today.

And yet, as Stacey Pattoon wrote, only the white working classes are accorded this handwringing and insistent media empathy. No one is telling these voters to pull up their boot straps. The much-discussed American Dream is only considered “broken” when it’s the white working classes who are suffering. When it’s African-Americans, they are simply lazy and morally flawed.

But Clinton, according to the politicians and journalists who indulge inverted narratives, was seen as simply too corrupt and establishment by these voters. “Trump’s election is an unmistakable rejection of a political establishment and an economic system that simply isn’t working for most people,” Jeremy Corbyn said, as though the election of a racist property billionaire who inherited his wealth was the class warrior triumph we’ve all been waiting for. But if anyone thinks that, it is because the media promoted false equivalencies throughout this campaign to a degree never before seen.

On Tuesday, the Times headlined its editorial about the election “Tough Choice”, as if the decision between a woman who used the wrong email server and a racist, sexist, tax-dodging bully wasn’t, in fact, the easiest choice in the world. Clinton’s private email server was covered more ferociously than Trump’s misogyny. That Clinton had talked at Goldman Sachs was reported as a financial flaw somehow analogous to his non-payment of tax. However much people want to blame the Democrats, their voters or Clinton herself, the result of this election is due at least as much to anyone who pushed the narrative that Clinton and Trump were equally or even similarly “bad”.

Shame on them. The most qualified candidate in a generation was defeated by the least qualified of all time. That is what misogyny looks like, and, like all bigotries, it will end up dragging us all down.

<https://www.theguardian.com/commentisfree/2016/nov/10/misogyny-us-election-voters>

4. Katharine Murphy: Turnbull turns towards humanity but refugees' nightmare of fear and scapegoating yet to end

The PM’s announcement is welcome but it is unclear whether Donald Trump will honour the terms of the agreement

The Guardian
Katharine Murphy Political editor
Sunday 13 November 2016 15.33 AEDT

When it comes to Australia’s wretched asylum politics, nothing is ever simple, and the new refugee resettlement deal with the United States is no exception.

The good news from Sunday’s announcement is a number of people who have been punished after committing no crime by being subjected to indefinite detention in offshore immigration camps have at least some prospect of starting a new life in the United States.

This is obviously a welcome development, given the abjectly indefensible human rights atrocity Australia has perpetrated with our offshore detention regime.

The prime minister, Malcolm Turnbull, is taking a political risk with this shift towards humanity, given the undercurrent of reflexive xenophobia characterising the political climate both here and internationally, and given the absolute premium the Coalition has placed on its swingeing stop the boats rhetoric.

The phalanx of military and border protection personnel arrayed on Sunday to frame the announcement tells you the government is quietly terrified that the resettlement agreement will trigger a flood of new unauthorised boats.

If the boats restart there are two risks: the first is a moral conundrum, the risk of a terrible incident at sea; and then there’s the political risk – a backlash against the resettlement agreement from the Coalition base, from the shock jocks, from the tabloids and from the elements of the government inclined to see short-term political fortune in cosying up to Hansonism.

Sentiment in Australia is divided between people completely appalled at what is going on in Manus and Nauru in our name, and people who are manifestly hostile to the asylum seekers, their inclinations egged on by and validated by the grim zero-sum politics of the past 20 years.

It needs to be acknowledged in that context that Sunday’s resettlement agreement is a step-change, a genuine throw of the dice for Turnbull, and if it doesn’t work enemies within and without will be very quick to pounce.

So, that’s the good news – Australia is finally trying to end our own monstrosity and the prime minister is prepared to take a risk to do the right thing.

Unfortunately, though, Sunday's good news has a bunch of unanswered questions attached to it.

Assuming the US secretary of state, John Kerry, is actually acknowledging the existence of a fully locked down agreement with Australia notwithstanding with his slightly hedged locution on Sunday – that the US had “agreed to consider referrals from UNHCR on refugees now residing in Nauru and in Papua New Guinea” – we can start by noting Washington is currently in a period of transition.

It is entirely unclear whether the president-elect, Donald Trump, will honour the terms of this agreement, particularly given he has just sailed into the White House after an 18-month vociferous (and successful) political campaign scapegoating immigrants.

Turnbull was distinctly non-committal when asked directly about that on Sunday, saying only the government would “deal with one administration at a time”.

Assuming then this is a one-off agreement with the outgoing Obama regime, an agreement that may or may not be honoured by the Trump regime, both the Turnbull government and the asylum seekers on Nauru had better hope processing and US security checks happen rapidly between now and the inauguration on January 20.

In terms of whether the agreement has any ongoing shelf life, Australian officials appear to be hoping two things – that Trump will turn out to be a bluster of cheap talk rather than action, and the simple inertia principle: having locked down the deal, the new president would have to take proactive action to unwind it at a time when he is trying to get his feet under the desk in the White House.

But this is hope, a distance short of certainty.

The next obvious question is how many asylum seekers will the agreement cover? Turnbull didn't answer when pressed by reporters on Sunday.

“We are not providing any more detail about the arrangements than we have today,” the prime minister said.

“The arrangements with the United States will offer the opportunity for refugees, both on Nauru and Manus, to be resettled but I should stress that the priority is very much on the most vulnerable which are family units and, of course, they are located on Nauru.”

The reason Turnbull can't answer that question is because that is up to the Americans.

Australia can build the architecture of an agreement and then the rest is up to the country agreeing to take the refugees. So the honest answer to the question is, “I don't know, but I hope a good many”.

For the refugees on Nauru – the nightmare of their daily existence is not over with the glimmer of opportunity, with a Sunday press conference in Canberra and a Facebook post.

The nightmare is over when it's over.

<https://www.theguardian.com/australia-news/2016/nov/13/australia-refugees-asylum-seekers-malcolm-turnbull-turns-towards-humanity-but-refugees-nightmare-of-fear-and-scapegoating-yet-to-end>

5. Refugees on Nauru and Manus Island may be resettled in US

Australian newspaper says deal between two countries is expected to be announced within days

The Guardian
Gabrielle Chan and Helen Davidson
Friday 11 November 2016 15.06 AEDT

The Turnbull government has given its strongest signal yet that a deal is in the wind with the United States to settle 1,800 refugees from Nauru and Manus Island.

The Australian newspaper reported Australia and the US were expected to announce the resettlement arrangement within days.

Speculation has been mounting about a deal since Australia announced at Barack Obama's global migration summit in New York in September that it would take refugees from camps in Costa Rica.

Since then, the Coalition government has introduced legislation to place a lifetime ban on asylum seekers who have arrived by boat from ever travelling to Australia once they are resettled in other countries.

The defence industry minister, Christopher Pyne, would not confirm the deal but he said if it did happen it would be a win for the government.

“If it’s the case, it will be another great achievement from the Turnbull government,” he said on Channel Nine.

Pyne said there was plenty of time to make an announcement before the inauguration of Donald Trump as US president on 20 January.

Trump said he would put a blanket ban on Muslim immigration and then “suspend immigration from areas of the world when there is a proven history of terrorism against the United States, Europe, or our allies”.

Among those on Manus and Nauru are people from Sri Lanka, Pakistan, Bangladesh and Iraq. There are some who are stateless.

Some refugees and asylum seekers expressed their support for the potential deal.

Many have spent years in the offshore processing system and, unless they have family in Australia, no longer desire to come to Australia. They still say they cannot go home, but because of the treatment they have received – for which they blame the Australian government – many are asking for refuge from any other refugee-convention signatory.

Behrouz Boochani, an Iranian journalist detained on Manus Island, told Guardian Australia he was sceptical of the reports but most other detainees he had spoken to would be happy to go to the US.

“Be sure that most people would love to go to America, but some people need to join their families in Australia,” he said. “I think Australia has to respect them because they want to join their families.”

Hundreds of men are currently involved in court action in Papua New Guinea, seeking compensation for their detention which the PNG supreme court ruled illegal and unconstitutional this year.

“For me it’s hard to accept to go to America because [the Australian government] has tortured me for about four years, and now to say ‘go to America’, I question the Australian government,” Boochani said.

“How can I get what’s right from a country like Australia that violated my human rights?”

Another said he would like to go to the US, but not before he was compensated for his treatment. The Iranian refugee, who did not wish to be named, has been physically assaulted twice since being detained on Manus Island.

“They took my past three years of life. I was born in 1992 and when I arrived here I was almost 21 years,” he said. “Now I’m 24. I missed best days of my life to go and have fun or go to university or play sport. The Australian government keep me in indefinite detention. They have to pay for this.”

A young man held on Nauru said he had dreamed of coming to Australia and joining the defence forces, but he believed the US was a good option.

Labor frontbencher Anthony Albanese said a deal would be a good thing.

“These are people who are refugees, who have been found to be refugees, who, if they are settled in a country like the United States, that will be a good thing,” he said.

Kon Karapanagiotidis, the chief executive of the asylum seeker resource centre, said the deal sounded positive but he was waiting for details on whether it would include all refugees on the island, and how quickly the transfer would happen.

“From day one it’s always been about safely resettling people who are seeking safety,” he told Guardian Australia. “We know that’s not possible on Nauru and we know that’s not possible in PNG.”

Karapanagiotidis said their preference had been to have people settled in Australia because they were Australia’s responsibility, but “if there is a deal to resettle all of them safely, quickly, in America, in a country where they will in fact be safe and settled, that’s our priority.”

“The most important thing is that it’s done quickly and urgently given the imminent danger and risk and the extreme poor state of physical and mental health of so many of them.”

He said he wasn’t interested in politics, but all credit for any deal would go to groups and individuals who had campaigned against the camps for years rather than to the government, which he feared may use the deal as a Senate bargaining chip for its visa ban legislation.

The Coalition has refused to comment or speculate on potential third-country negotiations to resettle the refugees.

On Melbourne radio station 3AW on Friday, the prime minister maintained his silence on the issue.

“There’s always speculation about these things ... and we never comment on them,” he said.

The Coalition’s latest migration bill, which would impose a lifetime ban on an estimated 3,100 people, has passed the lower house of parliament but is yet to clear the Senate.

Labor, Andrew Wilkie, Cathy McGowan, Greens MP Adam Bandt and Nick Xenophon Team MP -Rebekha Sharkie voted against the bill in the lower house.

The immigration minister, Peter Dutton, said the government had support for the bill amongst the Senate crossbench. He would need eight of the 10 remaining crossbenchers to pass the bill.

<https://www.theguardian.com/australia-news/2016/nov/11/refugees-on-nauru-and-manus-island-may-be-resettled-in-us-says-media-report>

6. Coalition close to deal with US on Nauru and Manus island detainees

The Australian
November 11, 2016
Dennis Shanahan

Australia and the US are poised to announce an immigration deal that could clear up to 1800 -refugees from Nauru and Manus Island — thereby effectively ending the offshore detention of asylum-seekers.

For months the Coalition has been in negotiations with third countries in an attempt to get asylum-seekers who tried to enter illegally by boat off Nauru without providing “backdoor” access to Australia.

It is understood the US has agreed to help Australia deal with the people on Nauru and Manus Island in Papua New Guinea by taking refugees, some of whom have been on Nauru for more than two years.

An announcement of the arrangement is expected within days, possibly from the Obama administration in the US over the weekend, only days after Republican Donald Trump became president-elect.

Yesterday, the Coalition’s bill to place a lifetime visa ban on adults who attempted to enter Australia illegally by boat since July 2013 was passed by the House of Representatives and is now headed to the Senate.

Malcolm Turnbull and Immigration Minister Peter Dutton have argued that the lifetime visa ban, which is subject to ministerial discretion, is necessary to prevent people-smugglers claiming that those who arrive by boat can eventually settle in Australia.

The bill passed the House of Representatives after some passionate speeches opposing the legislation by 73 votes to 69.

Labor, Greens MP Adam Bandt, Nick Xenophon Team MP -Rebekha Sharkie and independent MPs Cathy McGowan and -Andrew Wilkie voted against it. With the combined opposition of Labor and the Greens in the -Senate, the government needs the support of eight of 10 cross-benchers for the legislation to pass the Senate.

Bill Shorten has described the measure as “ludicrous” because someone who was a valid refugee who went to the US or Canada couldn’t come to Australia in “40 years” as a tourist.

The Opposition Leader also said the government should concentrate on getting people out of “indefinite detention” on Nauru instead of playing politics with the visa ban.

Yesterday, Mr Dutton said Labor had broken its “unity ticket” with the Coalition on border -protection.

“The Labor Party has today rejected strong new border protection laws designed to keep the boats stopped and prevent deaths at sea,” Mr Dutton said.

“The legislation before parliament is an important measure which sends a clear message to the people-smugglers and their clients that should they attempt to come illegally by boat that they will never settle in Australia.

“It would prevent any illegal maritime arrival taken to a regional processing country since 19 July, 2013, from ever coming to Aus-tralia and warn the estimated 14,000 people in Indonesia and the thousands more beyond that any illegal boat journey to Australia would be futile.

“People-smugglers will be heartened by Mr Shorten and Labor, who should be held -accountable for their weakness on border security, particularly if the boats recommence.”

The Prime Minister and Mr Dutton have refused to confirm talks have been under way with any specific country in recent months, but US officials suggested there had been discussions with Australia about the possible resettlement of refugees from Nauru and Manus.

Last week, the US State Department's East Asian and -Pacific -Affairs Bureau spokeswoman, Connie Paik, told The Australian: "We are in regular contact with Australia and other countries that support -humanitarian organisations and accept refugees for resettlement on a number of refugee-related -issues".

In New York in September, Mr Turnbull announced that --Aus-tralia would take refugees from Central America as part of its -annual intake, which will remain at the 2018-19 goal of 18,750, but -denied there would be any "people swap".

<http://www.theaustralian.com.au/national-affairs/immigration/coalition-close-to-us-deal-on-nauru-and-manus-island-detainees/news-story/bfacfa7c45c7278cdc8e89cdd9021386>

7. Australia 'has plenty of time' to strike refugee deal with US, Christopher Pyne says

ABC News Online

By political reporter Stephanie Anderson

First posted Fri 11 Nov 2016, 7:52am

Updated Fri 11 Nov 2016, 8:36am

Coalition frontbencher Christopher Pyne says there would be plenty of time to put a refugee resettlement deal in place with the US before President-elect Donald Trump takes office.

Immigration Minister Peter Dutton has been in negotiations to find a third country willing to take asylum seekers, and The Australian newspaper is reporting that an agreement with the US could be unveiled within days.

Mr Pyne would not be drawn on the reported deal, but told Channel Nine that if it went ahead, there was "plenty of time" to put it in place before Mr Trump takes office in January.

"Peter Dutton and the Prime Minister will make the necessary announcements about Government policy in this area," he said.

"But there's certainly time. Two-and-a-half months is plenty of time, and if it's the case it will be another great achievement from the Turnbull Government."

Immigration Department Secretary Michael Pezzullo would not confirm if the Government was close to a deal during a Senate Committee hearing at Parliament House today.

Under questioning from Labor Senator Murray Watt, Mr Pezzullo would not be drawn on any timeframes for the negotiations.

"We're working actively on those arrangements, and Mr Dutton said that we get closer every day, so today we are closer than what we were yesterday," he said.

"When ministers are ready to pronounce on those sort of arrangements, I'm sure they will."

Mr Pezzullo was also asked on what role the third country negotiations played with the proposed changes to the Migration Act, which passed the Lower House yesterday.

He said the legislation reflected "our own sovereign position" and would act as a "psychological deterrent" for people trying to arrive by boat in the future

Greens Senator Nick McKim has voiced concerns that Mr Trump could "rip up" any resettlement agreement put in place.

Senator McKim also called for greater transparency on the negotiations.

"It's incumbent on the Prime Minister to come out and be clear about what he's talking about here," he said.

"The entire country, in fact the entire world, is in the dark."

Mr Trump has made a number of controversial comments on immigration, including a call for "a total and complete shutdown of Muslims entering the United States".

His son Donald Trump Junior also made headlines during the campaign for Syrian refugees to deadly Skittles, tweeting "If I had a bowl of Skittles and I told you just three would kill you. Would you take a handful? That's our Syrian refugee problem".

<http://www.abc.net.au/news/2016-11-11/immigration-department-moving-closer-to-manus-nauru-resettlement/8016466>

8. Australia poised to announce refugee resettlement deal with United States

ABC News Online

By political reporters Stephen Dziedzic, Peta Donald and Francis Keany

First posted Fri 11 Nov 2016, 10:00pm

Updated Fri 11 Nov 2016, 10:10pm

Australia is on the brink of signing a breakthrough deal with the United States on asylum seekers after months of protracted negotiations.

Government ministers remained tight-lipped yesterday when The Australian newspaper reported the two countries were poised to announce the pact.

But several sources confirmed to the ABC that Australia and the US would sign an agreement which would resolve the fate of almost 1,300 asylum seekers on Manus Island and Nauru, some of whom have been facing years of uncertainty.

Under the deal, the US will resettle detainees who have been processed on the two island facilities and who have been found to be refugees.

An announcement is likely on Sunday.

At this stage it is not clear whether the immigration detention centres on Nauru and Manus Island will be closed after the deal is signed.

It is also unclear what will happen to detainees who have not been found to be owed protection.

According to the Department of Immigration, as of September 30 there were 396 people in Nauru and 873 on Manus Island.

Immigration Minister Peter Dutton has ruled out any resettling any refugees in third countries until Parliament passes legislation preventing anyone who tried to reach Australia by boat after July 19, 2013 from ever being granted an Australian visa.

That legislation passed the lower house this week in the face of fierce opposition from Labor, but has not yet gone through the Senate, where it faces an uncertain fate.

'Plenty of time' for deal to be struck before Trump takes office

The US presidential election has also injected uncertainty into negotiations.

President-elect Donald Trump has taken a hardline stance against illegal immigration, and has previously threatened to stop Muslims from migrating to the US.

Coalition frontbencher Christopher Pyne on Friday refused to say if a deal was imminent, but said there was "plenty of time" for one to be struck before Mr Trump entered the White House next January.

"Peter Dutton and the Prime Minister will make the necessary announcements about Government policy in this area," he told Channel 9.

"But there's certainly time — two-and-a-half months is plenty of time, and if it's the case it will be another great achievement from the Turnbull Government."

Shadow Immigration Minister Shayne Neumann welcomed the prospect of a deal with the US but was keen for further detail from the Federal Government.

"We'd be very happy with a country like the United States being a place where genuinely-assessed refugees find a home for themselves," he said.

"The United States is one of the powerhouses of resettlement arrangements around the world."

Prime Minister Malcolm Turnbull has refused to discuss the agreement — and on Friday night his office said it "wouldn't comment on speculation".

Manus Island, Nauru a 'dire humanitarian situation'

The imminent breakthrough follows extensive negotiations over the fate of those processed in the two detention centres, re-opened by the former Gillard government.

The United Nations Human Rights Council (UNHCR), non-government organisations, the Federal Opposition and the Greens have all lined up to excoriate conditions on both Manus Island and Nauru.

The UNHCR in September said it stood ready to assist and urged the Federal Government to speed up the resettlement of refugees, describing it as a "dire humanitarian situation".

Mat Tinkler from Save The Children Australia said while any deal would be welcome news, the delay had caused lasting damage.

"People have spent over three years, three-and-a-half years in a place like Nauru going through a significant amount of trauma," Mr Tinkler said.

While those who have been processed in the facilities are no longer officially detained, their future has been unclear for a number of years.

In September, Mr Turnbull also announced Australia's annual refugee intake would also include people from Central America being held in Costa Rican camps run with American assistance.

He denied at the time it was part of any "people swap" arrangement.

The Coalition has repeatedly argued offshore processing has been an essential part of its border protection policies, arguing it was a powerful disincentive to people who were contemplating a trip to Australia by boat.

It is also dismissed accusations that it had taken a cruel approach to refugees by pointing out that Australia was set to increase its humanitarian intake to 18,750 by 2018/19.

<http://www.abc.net.au/news/2016-11-12/australia-poised-to-announce-refugee-re-settlement-deal-with-us/8019472>

9. Refugees held in Australian offshore detention to be resettled in US

Malcolm Turnbull announces one-off agreement for refugees on Manus Island and Nauru to be resettled in US under auspices of the UNHCR

The Guardian
Paul Karp and Paul Farrell
Sunday 13 November 2016 11.12 AEDT

The Australian government has announced a landmark "one-off" resettlement deal to the United States for an unspecified number of refugees held at Australia's remote offshore detention facilities on Nauru and Manus Island.

On Sunday the prime minister, Malcolm Turnbull, and the immigration minister, Peter Dutton, announced a deal that would prioritise families, women and children for settlement with "the prospect" that others in offshore detention would be resettled in the US.

"I can now confirm that the government has now reached a further third-party resettlement arrangement," Turnbull said. "The agreement is with the United States. It is a one-off agreement. It will not be repeated. It is only available to those currently in the regional processing centres."

"It will not be available to any persons seeking to reach Australia in the future. Our priority is the resettlement of women, children and families."

At the press conference, at Maritime Border Command in Canberra, Turnbull refused to say how many refugees the deal would apply to but said the deal showed the government "can source and provide alternative resettlement options".

The remaining refugees on Nauru will be eligible for 20-year temporary visas on Nauru.

The US resettlement would be contingent on vetting by the United States Homeland Security agency.

Turnbull said that the scheme would be endorsed by the United Nations High Commissioner for Refugees.

Speaking in New Zealand before the announcement, US secretary of state John Kerry said the US had agreed to "consider referrals from [the] UNHCR on refugees now residing in Nauru and Papua New Guinea".

But a statement from the UNHCR said while it welcomed the deal and would endorse referrals to the US, it was "not a party to it" and had no formal role in processing.

"The arrangement reflects a much-needed, long-term solution for some refugees who have been held in Nauru and Papua New Guinea for over three years and who remain in a precarious situation," the statement said.

“It is on this basis that UNHCR will endorse referrals made from Australia to the United States, on a one-off, good offices, humanitarian basis, in light of the acute humanitarian situation. The full details of the agreement are not yet known, and UNHCR is not a party to it.”

Australia’s opposition leader Bill Shorten also offered his cautious support for the resettlement deal.

“It has taken the government three-plus years to negotiate this deal, but we are pleased if it is an end to indefinite detention,” Shorten said.

“We will certainly in principle work with the government. But we do welcome this. We do want to see people moved out of these facilities.”

If the government’s resettlement plan succeeds it is likely to reduce the populations of Australia’s notorious regional offshore detention centres.

Over the last three years the remote facilities have been plagued by reports of shocking conditions, poor management and deteriorating mental health of asylum seekers.

The Guardian’s publication of the Nauru files showed the devastating trauma and abuse inflicted on children on Nauru.

An asylum seeker was beaten to death by guards in a wave of unrest on Manus Island in February 2014, and on Nauru in May 2016 an asylum seeker self-immolated in front of staff from the UN high commissioner for refugees.

Asked about the potential closure of the Manus Island detention facility in the wake of the announcement, Dutton noted Papua New Guinea had announced it would close and he had nothing to add.

But he said that “no element” of the government’s policy on offshore detention will change, and Australia will “still rely on regional processing which is why Nauru will remain in its current status forever”.

According to the latest figures from Australia’s immigration department there are 872 people held in the Manus Island detention centre and 390 held in the Nauru facility.

A number of refugees are also currently on the mainland in Australia undergoing medical treatment for serious physical or mental conditions who may be eligible for the resettlement deal.

The Australian government’s deal will only apply to those who have received positive refugee determinations on Manus Island and Nauru. On Manus Island there have been 675 positive refugee determinations out of 1,015 and on Nauru there have been 941 positive determinations out of 1,195.

Turnbull said he anticipated people smugglers would “use this agreement as a marketing opportunity” but the government had “put in place the largest and most capable maritime surveillance and response fleet Australia has ever deployed” to stop journeys by sea.

“Any people smuggling boats that attempt to reach Australia will be intercepted and turned back.”

Speculation the Australian government was preparing to finalise a resettlement deal with the US was sparked by the announcement in September it would take refugees from camps in Costa Rica.

It ramped up two weeks ago when the government proposed a lifetime travel ban on resettled refugees visiting Australia, a measure Dutton said needed to be in place to facilitate third-party resettlement.

Labor has opposed the measure, labelling aspects of the plan “ridiculous” because it would prevent a refugee resettled in a third country from coming to Australia as a tourist or on a business trip.

Turnbull ramped up pressure on Labor, accusing it of opposing the ban due to “theoretical possibilities” that refugees would want to visit Australia as tourists in 30 or 40 years.

The opposition should instead focus on “the security of Australia’s borders today and tomorrow”, the prime minister said, describing the travel ban as important to send the “strongest and most unequivocal message to people smugglers” that no refugees would reach Australia.

Among those on Manus and Nauru are people from Iran, Syria, Sri Lanka, Pakistan, Bangladesh and Iraq, as well as some who are stateless.

Behrouz Boochani, an Iranian journalist detained on Manus Island, told Guardian Australia refugees he had spoken to would be happy to go to the US.

"Be sure that most people would love to go to America, but some people need to join their families in Australia," he said. "I think Australia has to respect them because they want to join their families."

<https://www.theguardian.com/australia-news/2016/nov/13/refugees-held-in-australian-offshore-detention-to-be-resettled-in-us>

10. United States confirms Manus Island and Nauru deal with Turnbull government

Sydney Morning Herald
November 13 2016
Fergus Hunter

Refugees languishing on Manus Island and Nauru will be offered resettlement in the United States under a "one-off" arrangement announced by the Turnbull government.

The long-awaited breakthrough will see the 1800 detainees encouraged to return home, seek resettlement in the US or face an indefinite stay in the Nauruan community.

But questions remain over whether the arrangement will survive the the administration of President-elect Donald Trump, who will take office in January. Mr Trump has warned of threats posed by refugees and proposed a ban on all Muslim immigration.

"I can now confirm that the government has reached a further third country resettlement arrangement for refugees presently in the regional processing centres," Prime Minister Malcolm Turnbull said on Sunday.

"The agreement is with the United States. It is a one-off agreement. It will not be repeated. It is only available to those currently in the regional processing centres. It will not be available to any persons who seek to reach Australia in the future."

Mr Turnbull said women, children and families on Nauru would be the priority in a process "that will take time". The largely single, male population of the Manus Island centre will come second.

The UNCHR welcomed the announcement as a "much-needed, long-term solution" to indefinite detention and Opposition Leader Bill Shorten expressed in-principle support.

The Prime Minister was tight-lipped about how many people the US had agreed to take and whether it would remain in place under Mr Trump, saying "we deal with one administration at a time".

"We have a very long history of cooperation with the United States," he said.

He dodged questions over whether he discussed the deal with Mr Trump during a phone call last week.

Immigration Minister Peter Dutton also confirmed refugees who decline to resettle or repatriate will get be offered a 20-year visa for Nauru. This will also be extended to any new boat arrivals.

Mr Dutton said people who had not attained refugee status should be returning to their country of origin.

US Secretary of State John Kerry confirmed the deal in a press conference in Wellington, New Zealand on Sunday.

"We in the United States have agreed to consider referrals from UNHCR on refugees now residing in Nauru and in Papua New Guinea," he said.

The US, whose involvement in the plan has long been suspected, is committed to finding a "durable solution" for the refugees who sought to reach Australia by boat but have been told they will never settle here, he said.

The government has immediately sought to highlight the strength of Australia's border policies to discourage people smugglers and asylum seekers in the wake of the announcement.

"The 20-year visa arrangement will also apply to new arrivals and let that be a very clear message to all people that you will not step foot on Australian soil and we repeat that message again today," Mr Dutton said.

In September, Australia announced it would resettle South American refugees from a processing centre in Costa Rica, a surprise commitment which triggered speculation of a people swap arrangement with the United States. The government rejected these suggestions at the time.

The policy will not be contingent on the successful passage of the proposed lifetime visa ban on asylum seekers who arrived by from 2013 onwards. Labor is opposed to the proposal.

"The approach taken by Australia in transferring refugees and asylum-seekers to open-ended detention in Papua New Guinea and Nauru has caused immense harm to vulnerable people who have sought asylum since 2013," the UNHCR said in a statement.

"It is on this basis that UNHCR will endorse referrals made from Australia to the United States, on a one-off, good office, humanitarian basis, in light of the acute humanitarian situation."

"If the detail as has been reported is correct and there is an opportunity for people to be regionally resettled in the United States, I welcome this," Mr Shorten said on Sunday.

"Labor would be hypocritical if we didn't welcome this because this is the very thing we wanted with the 'Malaysia solution' some years ago."

The Coalition opposed the former Labor government's Malaysia arrangement in 2011.

<http://www.smh.com.au/federal-politics/political-news/united-states-confirms-manus-island-and-nauru-deal-with-turnbull-government-20161112-gso2el.html>

11. Malcolm Turnbull, Peter Dutton announce refugee resettlement deal with US

ABC News Online

By political reporter Stephanie Anderson

First posted Sun 13 Nov 2016, 8:05am

Updated Sun 13 Nov 2016, 9:11am

The United States and Australia have agreed to a one-off refugee resettlement deal for people on Manus Island and Nauru.

Prime Minister Malcolm Turnbull confirmed the agreement this morning, but did not provide any details on timeframes or the number of people involved.

Speaking in Canberra alongside Immigration Minister Peter Dutton, Mr Turnbull said the deal would only apply to those currently on Nauru and Manus Island.

"It is a one-off agreement — it will not be repeated," he said.

"There will be American officials from Homeland Security coming to Australia to begin the process in the next few days."

As of October 31, there were 872 people in the processing centre on Manus Island and 390 people in Nauru's centre.

Mr Turnbull would not be drawn on the number of refugees that would be resettled as part of the arrangement, but he said the priority was "very much on the most vulnerable" — in particular, families on Nauru.

Opposition Leader Bill Shorten said Labor had not been briefed on the agreement, but welcomed the announcement.

"Labor would be hypocritical if we didn't welcome this because this is the very thing we wanted with the Malaysia solution," he said.

'Let this be a message'

Mr Dutton also confirmed the Australian Government was in the final stages of negotiation with Nauru for a 20-year visa.

The visa will apply to people who refuse the settlement offer in the US.

"We still rely on regional processing, which is why Nauru will remain in its current status forever," he said.

"Let that be a very clear message to all people that you will not step foot on Australian soil."

The agreement would be administered with the United Nations High Commission on Refugees and people found not to be refugees will not be accommodated by the agreement.

According to the Immigration Department, 675 refugees on Manus Island had been given positive Refugee Status Initial Assessment Notifications, as well as 941 on Nauru.

Mr Dutton said that people who "aren't owed protection need to return back to their country of origin".

"It is important to point out 650 people have already done that," he said.

Mr Dutton also referred to the proposed changes to the Migration Act, urging the Senate to pass the bill which would ban people on Manus Island and Nauru from ever coming to Australia.

US Secretary of State John Kerry also referred to the legislation earlier today, but did not comment on it.

The ABC understands the Government has been talking with the United States, Canada, Malaysia and New Zealand about resettling refugees on Manus Island and Nauru.

UNHCR 'not party' to agreement

In a statement, the United Nations Refugee Agency (UNHCR) welcomed the agreement but said it was not party to it.

The organisation added that it remained "gravely concerned" about the fate of all vulnerable individuals in Papua New Guinea and Nauru.

"Appropriate solutions must be found for all of them," it said.

"UNHCR's endorsement of these referrals under the humanitarian imperative does not alter Australia's obligations under international law, including the right to seek asylum irrespective of the mode of arrival ... the current policy has failed refugees and asylum seekers who need and deserve safety and care."

<http://www.abc.net.au/news/2016-11-13/australia-announces-refugee-resettlement-deal/8021120>

12. MEDIA RELEASE: Uncertainty surrounds US refugee deal: Australia needs to bring them here

LIFETIME BAN EXPOSED AS A STUNT

Sunday November 13, 2016
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 7813

The announcement by US Secretary of State, John Kerry and now by Malcolm Turnbull, that the US will consider refugees from Nauru referred to it by the UNHCR has done little to settle the issue of offshore detention.

"It is an admission that Nauru and Manus Island are offshore dead-ends, but the deal still leaves the future of asylum seekers and refugees up in the air. The deal means there is no certainty for the asylum seekers and refugees marooned on Nauru and Manus Island. And there is a serious question over the future of the thousands of single men, given the announced priority that will be given to women, children and families.

"The UNHCR has not been involved in the refugee determination process so far on either Nauru or Manus Island. The need for UNHCR determinations and referrals will at the very least mean more delay for people who have been waiting almost three and half years on Manus and Nauru," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"We are very concerned that the deal is not all-encompassing. It is not acceptable that Nauru or Manus stay open for another day, let alone any more months or years. The deal seems to do nothing to resolve the fate of those yet to have refugee determinations or deal with the question of separated families."

Rintoul also confirmed that despite any deal, the PNG Supreme Court will consider an application on behalf of Manus detainees that all Manus detainees who wish to, be returned to Australia. That hearing is expected in December.

"Given the government has admitted that neither Manus nor Nauru have a future, we would expect the Australian government will abide by the orders of the PNG Supreme Court," said Rintoul.

"Turnbull's third country announcement is too shallow and too uncertain. It is shocking that Australia has avoided its responsibility for so long and left asylum seekers on Manus and Nauru. All asylum seekers and refugees should be brought to Australia, so families can be re-united and where they can find the protection they need in the community."

The deal however, has exposed Turnbull's lifetime ban on asylum seekers sent offshore from ever entering Australia, as an unscrupulous and desperate political stunt.

"The government is still using refugees as political footballs. It is urgent that Labor, The Greens and Senate cross-benchers maintain a stand against Turnbull's lifetime ban and decisively defeat it when it comes before the Senate in November."

For more information contact Ian Rintoul 0417 275 7813

13. Nauru and Manus centres to close by 2019 under Coalition asylum seeker solution

Sydney Morning Herald
November 12 2016 - 5:00AM
Peter Hartcher & Heath Aston

Australia's offshore detention system would be shut down before the next federal election under a series of international deals that will give asylum seekers the choice of resettling in another country or returning to their nation of origin.

The Turnbull government is expected to announce as soon as Sunday a multi-country solution to the festering national sore of indefinite detention on Manus and Nauru, Fairfax Media has learnt.

The plan, which has been quietly worked on as a priority under Prime Minister Malcolm Turnbull, involves individual deals, likely to include the United States, but also a number of Asian countries that have agreed to resettle some of the 1800 boat arrivals Australia has pledged never to accept.

Australian officials from Immigration Minister Peter Dutton down were finalising details and how they should be announced late on Friday.

Australia has spoken to Malaysia, New Zealand, Indonesia and the Philippines as part of the process, but the shape of the weekend announcement was still to be wrapped up.

There is a growing expectation that some asylum seekers will be offered a home in the US, probably in return for Australia's pledge to take Central American refugees in transit in Costa Rica.

Under the emerging Coalition plan, asylum seekers on Manus and Nauru would be presented with two options – accept resettlement or return to where they originated from – according to a government source.

The deal will hinge on the government's move to ban refugees who arrived in Australia by boat from ever returning.

That will force Opposition Leader Bill Shorten to retain Labor's opposition to the lifetime visa ban, currently before Parliament, or buckle to support the resettlements and closure of detention facilities by 2019.

Mr Turnbull has kept tight-lipped on speculation of a deal with the US, but on Friday Cabinet Minister Christopher Pyne spoke of how such a deal could yet be completed before Donald Trump's inauguration.

The government's push for a lifetime ban on resettled boat arrivals ever coming to Australia was taken as another indicator that a third country arrangement was close.

Refugee advocates say the United States would be a welcome final destination for asylum seekers stuck in limbo in Australia's offshore detention system.

While they are split on whether a long-awaited solution has been arrived at, defenders of asylum seekers agree the US would be a "suitable" way to get people off Manus and Nauru in exchange for Australia's promise to take people from US protection in Costa Rica.

Refugee and Immigration Legal Centre lawyer David Manne said the Costa Rica announcement could indicate a swap deal because the category of asylum seekers there is not one that Australia prioritises for protection.

The Hondurans and El Salvadoreans in the Costa Rica camp would be assessed under the little-used "In-country Special Humanitarian visa (subclass 201)" because they have been removed from their own country by the US and are only considered to be "in transit" in Costa Rica, Mr Manne said.

"There are rumours swirling that Australia has struck a refugee swap deal," he said.

"The fundamental and urgent imperative is to evacuate people from their suffering on Nauru and Manus to a safe place where they can rebuild their lives in dignity. The US would clearly be a suitable option for vulnerable people who are stuck in limbo."

Human rights lawyer Julian Burnside said asylum seekers were generally not concerned with which country they ended up in as long as it was a signatory of the Refugee Convention and allowed them to escape persecution.

"Whether it's the US, Canada, Sweden or Australia, their aim is to be able to live without being in fear for their lives," he said.

Ian Rintoul, of the Refugee Action Coalition, welcomed the prospect of a US resettlement deal, but doubted that one had been struck.

"I think people would be willing to go to the US," he said. "They would have to be settled with permanent visas and rights like anyone else. But I wouldn't hold my breath that this is going to happen."

The position of advocates differs from the hardline stance taken by the Greens.

Greens immigration spokesman Nick McKim said the government should resettle those held on Manus and Nauru in Australia.

"Who, in good conscience, could send refugees to Donald Trump's America? We've already seen reports of race-based violence since Donald Trump's election," he said.

"We know his policies around Muslim people and we have large numbers of Muslim people in the camps on Manus and Nauru. It beggars belief."

Senator McKim said Mr Trump could overturn the plan when he took office, leading to more chaos in Australia's immigration regime.

Former Labor immigration spokesman Richard Marles said a US resettlement would be a "fantastic result".

<http://www.smh.com.au/federal-politics/political-news/nauru-and-manus-centres-to-close-by-2019-under-coalition-asylum-seeker-solution-20161111-gsnefm.html>

14. Labor calls out Government for blocking Malaysia refugee settlement amid reports of deal with United States

ABC News Online

By political reporters Matthew Doran, Stephen Dzedzic and Uma Patel

First posted Sat 12 Nov 2016, 9:10am

Updated Sat 12 Nov 2016, 11:08am

The Federal Opposition has criticised the Coalition for blocking a refugee settlement deal with Malaysia when Julia Gillard was prime minister, as reports emerge Malcolm Turnbull is about to sign a deal with the United States.

Several sources have told the ABC that Australia and the US could announce an agreement as early as tomorrow, which would resolve the fate of almost 1,300 asylum seekers on Manus Island and Nauru, some of whom have been facing years of uncertainty.

"It is about time that Peter Dutton and Malcolm Turnbull explained why they voted against what looks like exactly the same arrangement that Labor proposed with Malaysia," Deputy Labor leader Tanya Plibersek said.

"The Government continues to talk about the number of people who drowned at sea, it was a tragedy that occurred while we were in government.

"But half of those people, about half of those people, actually drowned at sea after the Liberals rejected the Malaysia arrangement."

Ms Plibersek said former prime minister and then opposition leader Tony Abbott had already admitted voting against the deal was the wrong move.

"It would be about time that Peter Dutton admitted he was wrong to do that," she said.

In September, Mr Turnbull announced Australia would resettle refugees from a US-run camp in Costa Rica, as part of its annual humanitarian intake of refugees.

The ABC understands any agreement with the United States is not contingent on resettlement deals also being reached with other countries.

Ms Plibersek argued the Government was withholding details of the agreement, and the Labor Party could not give its opinion on the deal until it saw the specific arrangements.

The Greens remain concerned a Donald Trump presidency could derail any resettlement deal.

"We don't know if this deal will even come to fruition now, it was a deal done with the Obama administration," Greens leader Richard Di Natale said.

"What happens now under Trump and Donald Trump's America? It's a very different place.

"We saw the President-elect campaign on a platform of restricting Muslim immigration. [There are] so many question marks to be answered here and it's now incumbent on the Government to do that."

But Senator Di Natale argued resettling refugees from Nauru and Manus Island was a necessity.

"Of course we would welcome anything that would get those poor, desperate souls who've been languishing now for more than three years in inhumane conditions in those hellhole detention centres," he said.

<http://www.abc.net.au/news/2016-11-12/opposition-criticises-government-us-refugee-settlement-deal/8020086>

15. Turnbull to renew focus on Operation Sovereign Borders to combat people smugglers

Sydney Morning Herald
November 12 2016 - 7:00PM
Adam Gartrell

The Turnbull government will ramp up its boat turnback operations to ensure the people smuggling route from Indonesia remains closed after it unveils a new international refugee resettlement deal.

The Prime Minister, Malcolm Turnbull, is expected to confirm on Sunday the government has done a deal with the United States and possibly a handful of other countries to resettle many of the 1300 people languishing on Nauru and Manus Island.

It is understood those who have been judged to be genuine refugees will be given the option of resettling in the third countries or returning to their country of origin as the government seeks to close the offshore detention centres.

It is not yet clear what will happen to those detainees who have already had their refugee applications rejected, or to those who have immediate family in Australia and want to reunite with them.

But it is understood Mr Turnbull will announce measures to ensure the deal doesn't become a "pull factor" – a marketing tool for people smugglers throughout the region to convince asylum seekers to board boats. This is expected to include a renewed focus on the frontline activities of Operation Sovereign Borders.

There has been speculation of a deal with the US for months, particularly since Mr Turnbull announced Australia would partner with the US to take Central American refugees from camps in Costa Rica.

The man who successfully killed off Labor's Malaysian people swap deal in the High Court in 2011, lawyer and refugee advocate David Manne, has thrown cautious support behind a US deal, pending the details.

"The fundamental difference with this deal is the US – unlike Malaysia – is a country that has signed up the Refugee Convention, and has its own laws and practices to protect refugees and it has a long history of doing so," he said.

"On that basis it is at fundamental odds with the Malaysia solution, which was about transferring people against their will to a country that was not a signatory to the Refugee Convention – and still isn't – but also didn't have its own laws to process or protect refugees. Indeed, it has a long history of mistreating refugees."

However, Mr Manne said he could not rule out legal challenges to the deal if it involved coercion, rather than being voluntary, or if it involved people being sent to dangerous non-convention countries.

"I certainly wouldn't discount the possibility," he said.

Labor has already signalled it will support a resettlement deal with the US. However, Mr Dutton has ruled out any third party resettlement until Labor passes its lifetime visa ban in the Parliament.

The Opposition Leader, Bill Shorten, and his party room last week ruled out supporting the legislation to prevent people who arrived by boat after July 2013 ever travelling to Australia for any purpose. But the Opposition may be forced to rethink its stance if the resettlement deal hinges on it. According to the Department of Immigration and Border Protection there were 396 people in Nauru and 873 on Manus Island as of September 30

<http://www.smh.com.au/federal-politics/political-news/turnbull-to-renew-focus-on-operation-sovereign-borders-to-combat-people-smugglers-20161112-gsnvtz.html>

16. Labor rejects government's proposed lifetime refugee travel ban

Rejection of Coalition plan marks the first serious break in bipartisan consensus on refugee policy since Labor adopted boat turnbacks in 2015

The Guardian

Paul Karp

Tuesday 8 November 2016 11.05 AEDT

The federal Labor caucus has unanimously voted to oppose the government's planned lifetime ban on refugees in offshore detention from entering Australia.

The immigration minister, Peter Dutton, introduced the travel ban bill to parliament on Tuesday, but its fate hangs in the balance as the Nick Xenophon Team and other crossbench senators determine their positions.

The opposition leader, Bill Shorten, had labelled aspects of the plan "ridiculous" because it would prevent a refugee resettled in a third country from coming to Australia as a tourist or on a business trip.

The rejection of the plan marks the first major break in bipartisan consensus on refugee policy since Labor adopted offshore detention and boat turnbacks at the 2015 national conference.

A motion to oppose the refugee travel ban was moved in caucus on Tuesday by the immigration spokesman, Shayne Neumann, and seconded by the schools spokesman, Andrew Giles. They passed unanimously, meaning Labor will oppose the ban outright rather than seek to amend it.

At a press conference on Tuesday, Shorten said Labor was committed to preventing people smugglers getting back into business, but the proposal was "a solution looking for a problem".

"We are on a unity ticket with the government to stop the people smugglers, but we are not on a unity ticket to stop the tourists."

Shorten said it was a "desperate measure by a floundering government ... aping the policies of One Nation".

The ban will apply to any adult who has been sent to detention centres on Nauru or Manus Island since 19 July 2013. The ban will not apply to children.

It means adults who tried to enter Australia by boat since that date, but who subsequently chose to return home, will never be allowed to get a visa to Australia – even as a tourist or a spouse.

It was on 19 July 2013 that the former prime minister Kevin Rudd said: "As of today, asylum seekers who come here by boat without a visa will never be settled in Australia."

Dutton has talked up the prospect that a third-party resettlement deal could follow the ban.

But Labor has noted that New Zealand has said it will not create second-class citizens and argued that means the travel ban will make a resettlement deal harder.

Shorten said he had asked Malcolm Turnbull what discussions were occurring with third-party nations but the prime minister had refused to say.

On Tuesday Dutton said on Twitter the ban was "a matter of national security" and it was a test of whether Shorten stood for "strong borders".

At a doorstep interview, the immigration minister said he was "confident" it would pass "because it's sensible".

The Nick Xenophon Team has not determined its position and could split on the ban, because Xenophon has told Guardian Australia it is a "conscience issue" for the party. Given Labor and the Greens oppose it, they are just three votes short of blocking the measure.

Dutton said the travel ban was needed to "reinforce the government's long-standing policy that people who travel here by boat will never be resettled in Australia". He claimed advocates told refugees if they rejected resettlement or to return to their country of origin they would eventually come to Australia.

Asked if Labor could back the policy with amendments, Shorten noted Dutton had already ruled out any changes.

The government has claimed that ministerial discretion will address Labor's concerns that even if a refugee became a Nobel prize winner they could not visit Australia.

Shorten labelled the use of discretions "lazy law-making" that didn't fix the ban, which he has also criticised for refusing refugees the ability to visit the Opera House or Great Barrier Reef.

The Greens immigration spokesman, Nick McKim, said: "Labor's crawl towards a more compassionate approach to refugees does not change their continued support for cruel and ineffective policies."

"It's time for Labor to add some vertebrae to their newly formed spine and reject offshore detention and boat turnbacks."

<https://www.theguardian.com/australia-news/2016/nov/08/labor-unanimously-rejects-governments-proposed-lifetime-refugee-travel-ban>

17. MEDIA: ALP lifetime ban opposition exposes 3rd country myth: Now Bring Them Here

Tuesday November 8, 2016
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

The Refugee Action Coalition has welcomed Labor's stand against Turnbull's attempt to impose a lifetime ban on asylum seekers and refugees sent to Nauru or Manus Island, ever entering Australia.

Turnbull's lifetime ban proposal was always a political stunt from a government that is sinking further in the opinion polls.

Labor's stance makes it almost certain that Turnbull's bill will be defeated. It is a welcome first sign that the days of bipartisan support for offshore detention are ending.

Turnbull's latest political stunt may fail but there is still no solution for the 1500 people imprisoned on Nauru and Manus.

Labor's opposition to the lifetime ban has now exposed the gaping hole at the end of offshore detention -- that after three years and four months, there are no 'third countries' willing to resettle refugees from Manus or Nauru.

Peter Dutton has repeatedly claimed that the government is in negotiations with "third countries" -- but no country is ever specified.

Dutton's big lie was starkly revealed when both the President of Nauru and the Foreign Minister of Papua New Guinea appealed for international help to resettle refugees at the recent UN summit on refugees.

He said in September that the government's first priority was resettling 'women and children' from Nauru -- but discussion are always indeterminate and no country is ever specified.

Labor leader Bill Shorten called Turnbull's lifetime ban "ludicrous" . It is just as ludicrous to insist on third country resettlement when there is none.

Rather than continue to call for third country resettlement, Labor must join the call for all asylum seekers and refugees to be brought to Australia.

Former Labor Prime Minister, Kevin Rudd, who declared in 2013 that no asylum seeker sent to Nauru and Manus Island would ever be resettled in Australia says that Labor only envisaged asylum seekers being held on Nauru for a year. It is now over three years.

"How much longer can Labor call for the Turnbull government to find a third country, when a third country does not exist," asked Ian Rintoul from the Refugee Action Coalition.

"There are over 320 people from Manus and Nauru already in the Australian community. It's time to end the uncertainty that hangs over their lives and allow them to resettle in Australia.

"It's time to end the offshore detention that has separated partners, brothers and sisters, parents and children and allow all asylum seekers and refugees to have a future free of persecution.

"The pretence that there are third countries is allowing the government to prolong the detention and uncertainty of all those being held Nauru and Manus Island. It is time to bring all asylum seekers to the Australia and resettle them in the Australian community."

For more information contact Ian Rintoul 0417 275 713

18. Labor to vote against Turnbull government's lifetime refugee visa ban

Sydney Morning Herald
November 8 2016 - 4:04PM
Tom McIlroy

Labor will vote against the Turnbull government's lifetime ban on refugees and asylum seekers who arrive by boat from entering Australia, casting doubt on whether the controversial plan can pass the Parliament.

The party's caucus meeting on Tuesday voted unanimously to oppose the legislation, with Opposition Leader Bill Shorten calling the government's bluff and describing existing tough border protection laws as adequate to stop people smuggling.

Immigration Minister Peter Dutton said Australia risked 14,000 people coming from Indonesia and thousands more refugees and asylum seekers arriving from as far as Europe.

"All of the intelligence indicates that if people see the green light to get to Australia again, if those 14,000 hopped onto boats, or even 400 of them hopped onto boats, and successfully arrived here, there would be tens, if not hundreds, of thousands of people coming from Europe, making a trek into Jakarta or into Kuala Lumpur, other markets, to get onto boats to come here," he said.

With speculation a third country deal to resettle about 1800 offshore immigration detainees is in the works, Labor said the government had offered no evidence a lifetime ban was required as part of any new plan.

The Senate crossbench will decide the fate of the bill, which would stop anyone currently held on Manus Island or Nauru from travelling to Australia on a tourist or business visa after being resettled.

Ministerial discretion would apply to the ban, and children under 18 in July 2013 would be exempt.

In an Essential Poll on Tuesday, 56 per cent of respondent approved of the plan, while 29 per cent were opposed.

Asked about the treatment of asylum seekers, 37 per cent said the government was taking the right approach, compared with 24 per cent who said it was too soft and 23 per cent who said it was too tough.

Mr Shorten said his reaction to the lifetime ban for anyone who arrived by boat after July 2013 was to say, "You've got to be kidding me."

The government has indicated it won't support any amendments to the bill, stopping Labor from considering any compromise.

"What's important to me is defeating the people smugglers and not keeping people in indefinite detention," Mr Shorten said.

"It's a desperate measure by a desperate government aping One Nation."

The Greens remain opposed to the plan, while crossbench powerbroker Nick Xenophon said his party would meet to discuss the legislation.

The government wanted the bill to pass the Senate before Parliament rises on December 1.

Prime Minister Malcolm Turnbull told the Coalition joint party room meeting on Tuesday that Australia should be proud of its history as a "migration nation".

He said public support for Australia's immigration system depended on confidence that authorities were in control of the country's borders.

Mr Dutton blamed the former Labor government for a surge in the number of asylum seeker boats arriving in Australia. He said the latest moves were a matter of national security.

"This government is not going to preside over a re-emergence of boat arrivals, because we are not going to allow those 17 detention centres to be reopened," he said.

"We are not going to allow the 2000 children in detention, a legacy we inherited when we came to government. We've got those 2000 children out of detention.

"Most importantly, we are not going to allow the deaths at sea of innocent men, women and children."

<http://www.smh.com.au/federal-politics/political-news/labor-to-vote-against-turnbull-governments-lifetime-refugee-visa-ban-20161108-gskaup.html>

19. Analysis: Labor's confidence to break ranks on refugee policy sign of Malcolm Turnbull's troubles

ABC-TV - Lateline

By political correspondent David Lipson

Posted Tue 8 Nov 2016, 5:09pm

Three years after Labor's total capitulation on boats, which saw the party reopen the camps it had spent years denouncing, the ALP has made another important shift.

Caucus has unanimously decided to vote against the Government's proposed lifetime ban on refugees, who arrived by boat, from ever visiting Australia.

The unity ticket, that has seen the major parties welded together on draconian measures to deal with asylum seekers, is no more.

As Opposition Leader Bill Shorten put it: "We are on a unity ticket with the Government to stop the people smugglers, but we are not on a unity ticket to stop the tourists."

The fact that Labor feels emboldened to break ranks on such a politically diabolical issue, after his party's disastrous record in Government, tells us more about Malcolm Turnbull's troubles more than anything else.

It is also a sign Mr Shorten is facing his own internal pressures from the left, just as Mr Turnbull is being pushed to the right.

And, now that there has been no sign of a boat arrival for years, it is an indication Labor thinks the pendulum of public opinion is starting to swing back towards the "compassionate" end of the dial.

In Question Time on Tuesday, the Government released the hounds.

Almost every question was turned into a Government attack on Labor's record in Government, even those that had nothing to do with refugees.

Mr Turnbull twisted an answer about Section 18C of the Racial Discrimination Act into boats.

Queensland MP Warren Entsch lobbed a Dorothy-Dixer about biosecurity to Nationals Leader Barnaby Joyce.

The answer became a spray about strong borders.

It all smelled a bit desperate.

Labor on safe ground on refugee policy

Immigration Minister Peter Dutton insists the changes are crucial, to send the strongest possible message to people smugglers and those considering boarding boats bound for Australia.

Sources suggest Mr Dutton is fearful, perhaps rightfully so, that any perceived softening of the Government's approach will spur the people smugglers to reopen the trade in human cargo.

The Government is closing in on an announcement to resettle refugees from Manus Island and Nauru in so called "third countries" like the US and Canada.

"We have been in negotiation with third countries for a long period of time and we are going to land a deal," he said on Tuesday.

Mr Dutton is determined he will not be the minister who restarts the boats, not even a single one.

But without a new resettlement announcement, the Government sounds shrill; its policy of a lifetime ban seems needlessly harsh.

Until that announcement is made, its attacks on Labor appear based on wedge politics, rather than policy.

After all, the boats are stopped and there is no evidence at this time to suggest they are about to start again.

Mr Shorten has left himself wriggle room.

If, as expected, the Government does strike a deal with another country to resettle refugees, he says he will reconsider the legislation.

So, despite the ferocity of the Government's attack, Labor is on relatively safe ground on an issue they have been vulnerable for years.

<http://www.abc.net.au/news/2016-11-08/labor-emboldened-to-break-ranks-on-refugee-policy/8007104>

20. Malcolm Turnbull is breaking international law with cruel lifetime refugee ban

Sydney Morning Herald
November 9 2016
Ben Saul, Jane McAdam

The Turnbull government has proposed a bill to permanently ban refugees from Australia who sought to enter Australia without a visa from mid-2013. Critics have noted that the bill is harsh, excessive and would ban refugees happily resettled in other countries from ever visiting Australia even for business, tourism or to see friends or family.

The government claims that the bill is consistent with international law. We strongly disagree. The bill would illegally punish refugees for entering Australia by boat. It would also illegally deny refugees their right to reunite with close family members.

Article 31(1) of the Refugee Convention requires Australia not to "impose penalties, on account of ... illegal entry" to Australia by refugees who have come "directly" from a place of persecution, as long as they "present themselves without delay to the authorities and show good cause for their illegal entry".

Based on the prevailing legal authorities, the bill's proposed lifetime ban would violate this provision. First, a "penalty" is not limited to criminal sanctions but includes any serious unfavourable treatment. The proposed ban on entering Australia is punitive in this sense, particularly given its severity – a permanent ban on entry, for any purpose, and irrespective of the personal circumstances of individual refugees.

Second, the ban would only apply to refugees who sought to enter Australia "illegally" under Australia's immigration law. It would not apply to refugees who entered "legally" on any visa, including under Australia's refugee resettlement program. As such, the penalty of a lifetime ban would be imposed "on account of" illegal entry. The provision prohibits punishing such refugees because even if entry is technically "illegal" under Australian law, everyone has the right to seek asylum under international law – with or without a visa.

Third, while the provision applies to refugees "coming directly" from persecution, this does not mean that refugees are only protected from punishment if they travel immediately to Australia from their home country. Rather, the protection still applies to refugees who transit through other countries on their way to Australia, where those other countries do not offer effective, safe legal and practical protection.

The reasons for this are obvious. Refugees cannot be expected to stay in a transit country which does not recognise refugee status or the Refugee Convention, and in which they are classed as "illegal" migrants and remain vulnerable to expulsion to persecution at any time. This includes, for example, transit countries such as Indonesia and Malaysia.

A refugee cannot be expected to remain in a country that will not, or cannot, provide basic humanitarian needs such as adequate food, water, housing and health care. A refugee cannot be expected to remain in a country where their basic human rights are not protected, including safety from physical violence and basic rights to work and education.

International law does not require refugees to remain in the first country they reach if it is not safe. Syria's neighbours are not required to shoulder the whole responsibility for all of Syria's refugees, just because of a geographic twist of fate.

As the British courts have confirmed, even a protracted delay in an unsafe transit country is permissible if the refugee was trying to obtain the means to travel onwards.

Fourth, situations like those above count as "good reasons", under Article 31, for "illegal" entry to Australia. Only where a refugee already has effective protection in another country would Article 31 allow penalties to be imposed. Protection in Australia would then be unnecessary.

The bill joins a long list of other illegal measures adopted by the Australian Parliament that penalise refugees who arrive "illegally". These include mandatory detention, boat "push backs", offshore processing, bridging visas that deny basic rights, temporary protection, denial of family reunion, and discretionary refugee processing. Disgracefully, punishing refugees has become second nature in Australia.

The bill would also violate Australia's international human rights obligations to protect families and children. The world's governments have agreed that "the family is the natural and fundamental group unit of society and is entitled to protection by society and the state". The protection requires governments to allow close family members to live together.

Where refugees already have close family members in Australia, a permanent ban on other family members from coming to live with them would flagrantly violate international law. Australian law would ensure that families remain broken up, and that parents are separated from children. The bill's ban would not apply to children – but would exile their parents.

The bill to give a discretionary power to the Immigration Minister to exceptionally lift the ban in individual cases as he sees fit. This is woefully inadequate. Family reunion is human right that must be legally enforceable, and not reliant on the grace of a politician. We know from bitter experience representing refugees that Australia has often ignored United Nations findings that Australia has violated family rights. Discretion is a recipe for arbitrariness and would be subordinate to the relentless political agenda to "deter" refugees.

This is a cruel, punitive bill that may separate some families forever. Donald Trump was pilloried for proposing a temporary ban on Muslims and for building a wall against Mexicans. Malcolm Turnbull is proposing a permanent ban on refugees of any race, and is strengthening a naval and legal wall against refugees that Trump could only dream of.

---->>>> *Ben Saul is Challis Chair of International Law at the University of Sydney and was counsel in 53 successful cases against Australia at the United Nations. Jane McAdam is Scientia Professor of Law, Director of the Kaldor Centre for International Refugee Law, and head of the Grand Challenge on Refugees & Migrants at UNSW.*

<http://www.smh.com.au/comment/malcolm-turnbull-is-breaking-international-law-with-cruel-lifetime-refugee-ban-20161108-gskstx.html>

21. Asylum seekers and refugees in PNG lodge new claim for illegal detention compensation

ABC News Online

By Papua New Guinea correspondent Eric Tlozek

First posted Tue 8 Nov 2016, 5:26pm

Updated Tue 8 Nov 2016, 5:44pm

More than 700 asylum seekers and refugees sent by Australia to Papua New Guinea have lodged a new claim for compensation for being illegally detained on Manus Island.

The 731 men are seeking enforcement of a PNG Supreme Court ruling in April that found their detention on Manus Island breached their constitutional rights.

The court ordered the Australian and PNG Governments to shut down the Manus detention centre, but it is still operating, albeit under altered conditions.

The compensation claim will be made against the PNG Government and will also include men who have left Manus to return to their countries of origin.

The Supreme Court dismissed an earlier application by the men in October, because they had not signed it themselves.

The principle applicant in the new case, Iranian refugee Behrouz Boochani, said the court should treat this fresh application differently.

"We hope that they eventually make a good decision and give compensation to us, because this is our right," he said.

"We are fighting for our rights because we think we didn't do any crime.

"We came to Australia under international law and this is only propaganda from the Government [saying] that you are illegal."

PNG has intensified efforts to resettle the men in the wake of the April Supreme Court ruling, but so far, only a small number of refugees have taken jobs and left Manus Island.

An earlier attempt to resettle the men in Lae failed, with most of the refugees returning to Manus Island and claiming they were given no support.

Mr Boochani said he was sceptical of reports Australia is close to reaching a deal to resettle the men in a third country. "I myself won't leave Manus Island without my compensation, because this is my right," he said. "They cannot keep people in the prison for a long time and after that say: 'OK, go away, go to a third country'.

"I don't care if the third country is America, Canada or anywhere, I won't leave Manus without my rights, because they used my body, my soul for their political ends."

<http://www.abc.net.au/news/2016-11-08/png-asylum-seekers-lodge-new-application-for-compensation/8007152>

22. Iranian refugee says he was attacked by a group of men on Manus Island

The 24-year-old Iranian Christian, on Manus since seeking asylum in 2013, says it is the second time he has been assaulted

The Guardian
Helen Davidson
Thursday 10 November 2016 13.05 AEDT

A 24-year-old refugee says he was assaulted by a gang of youths on Manus Island, in the latest act of alleged violence against detainees from Australia's offshore processing centre.

The man told police he was walking from a Lorengau hotel to a lodge on Sunday evening when a group of young men called out to him. He said he ignored them but then the group surrounded him and one man demanded he hand over his phone.

"They went on and started punching me and pushing my head down," he told police. "My eyes went blackout and I felt dizzy like and almost unconscious. One of them who was at my back kicked me on my back very hard which was very painful."

One of the group then allegedly stole money from his back pocket and they fled. The man was assisted by a woman from a nearby lodge.

He told Guardian Australia the police were trying to apprehend the assailants, but he had not received any help from the staff at the detention centre where he still lived.

The man, an Iranian Christian, has been on Manus Island for three years after seeking asylum in August 2013. He said this was the second time he had been seriously assaulted.

PNG police have been contacted for comment.

Community unrest with the hundreds of refugees on Manus Island has resulted in frequent acts of violence. Detainees are now free to leave the detention centre and travel to Lorengau, but many report they are too scared of attack.

In August two refugee men were violently attacked by local men who beat them with a metal bar.

Alleged criminal acts by detention staff, and perceptions that promised community benefits have not materialised, have also contributed to hostility among local people against the centre and people associated with it.

<https://viewer.gutools.co.uk/preview/australia-news/2016/aug/14/manus-island-photos-show-aftermath-of-violent-attack-afghan-refugees>

Last month the country's supreme court dismissed an application by lawyer Ben Lomai to have detainees transferred to Australia within 30 days. The case was dismissed on a paperwork technicality.

More than 600 asylum seekers and refugees on the island have since filed fresh applications seeking release and compensation.

The cases followed a ruling in April by the Papua New Guinea supreme court that the Manus Island detention centre was illegal and unconstitutional, and the order it be closed as soon as possible.

The decision sparked a stalemate of sorts between the PNG and Australian governments. PNG claimed the detainees were Australia's responsibility under the memorandum of understanding between the two countries. Australia disagreed.

Australia has maintained that no asylum seekers or refugees from its two offshore processing centres on Manus and in Nauru would ever settle in Australia.

On Tuesday the Labor opposition unanimously voted to block a proposed bill by the government that would permanently ban about 3,100 adults from ever visiting Australia, including for business or tourism, because they had tried to seek asylum in Australia by boat after July 2013 – when then prime minister Kevin Rudd signed the deal with PNG.

The Australian government has been engaged in long-running negotiations with unnamed countries to take refugees for resettlement. The permanent visa ban was suggested as necessary to gaining a deal.

<https://www.theguardian.com/australia-news/2016/nov/10/iranian-refugee-says-he-was-attacked-by-a-group-of-men-on-manus-island>

23. Nauru security firm says it wasn't required to pass on 400 'information reports' to Australia

Wilson Security says downgraded reports of self-harm or abuse often could not 'be verified or substantiated' so were not given to immigration department

The Guardian

Paul Farrell

Thursday 10 November 2016 17.40 AEDT

The global security firm tasked by Australia to protect asylum seekers on Nauru says it was not required to pass on more than 400 "information reports" from the Nauru detention facility to Australia's immigration department.

A Senate inquiry is under way into serious allegations following the Guardian's publication of the Nauru files, more than 2,000 incident reports from inside the detention centre.

The allegations examined the conduct of security provider Wilson Security and how it reported information to the immigration department. The reports showed that self-harm and sexual abuse incident reports filed on Nauru were routinely altered and downgraded in seriousness by the company.

Public hearings are set to begin on Friday, with the secretary of the immigration department, Michael Pezzullo, scheduled to appear, along with a number of departmental officers.

But it now appears that the immigration department may not have been obtaining all records of incidents lodged on Nauru. Wilson Security's submission outlines for the first time that it did not disclose reports that it designated as "information reports" to the department.

Wilson Security said in its submission: "When an event does not meet the incident classification criteria set by the department, Wilson Security maintains a record of this event as an 'information report'."

"Information reports are not subject to performance measures and are not required to be reported to the department. Information reports often contain information that cannot be verified or substantiated and are therefore omitted from statistical reporting."

The admission from Wilson Security raises concerns because a number of the reports published by the Guardian that were classified as incident reports contained serious allegations or related to self-harm attempts by asylum seekers. Overall there were 431 reports designated as "information reports."

Reports that appear to have been downgraded:

- A report that a girl had been assaulted by an officer was filed as an information report and had its incident type reclassified from an "assault on minor" to "information".
- A report from a female asylum seeker that a Nauruan guard on a school bus had "touched her body" was downgraded from a "major" report to "information" by the security company.
- Concern about threats of self-harm by an asylum seeker who said she was concerned she might kill herself in her sleep and was "more down than normal" was reclassified from "minor" to an "information" report.
- In February 2015, the company downgraded a report of "abusive/aggressive behaviour" alleged about one of its own guards to from "minor" to "information", although it is unclear whether the report was subsequently reinstated as "minor".
- A report about an asylum seeker who said she had been refusing food and water for three days and was feeling dizzy and wanted to see a doctor was reclassified from a "major" incident of "food & fluid refusal" to an "information" report.
- Wilson Security also faced criticism for allegations of staff misconduct that have emerged in the Nauru files and in other reports.

It said in its submission that it took allegations of staff misconduct seriously, and was "committed to ensuring that there is a fair, equitable and timely resolution of any allegation."

"Where an allegation of inappropriate behaviour or conduct by a staff member is substantiated, the matter is referred to our human resources management to ensure that the matter is dealt [with] in accordance with our disciplinary procedures, ensuring procedural fairness."

"All complaints involving allegations about a service provider are also monitored by the department to ensure action taken by the stakeholder against staff involved is commensurate to the allegation."

“The majority of allegations of inappropriate behaviour reported by refugees, asylum seekers, or the staff of service providers are found to be unsubstantiated and not requiring further action.”

Its submission also said that reporting of leaked incident reports “have in some cases reported unsubstantiated or unproven allegations as fact, and have made generalisations based on the quantum of reports, the majority of which are unsubstantiated”.

A submission from Human Rights Watch Australia said asylum seekers had told the organisation that local police made “little to no effort” to investigate attacks.

“Often police disregard their complaints and sometimes discourage them from filing report,” it said.

They called on the Australian government to “respond effectively to complaints of physical and sexual violence”, and end offshore detention operations in Papua New Guinea and Nauru.

<https://www.theguardian.com/australia-news/2016/nov/10/nauru-security-firm-says-it-was-not-required-to-pass-on-400-information-reports-to-australia>

24. Syrian held on Nauru lands in Cambodia as sixth refugee to take up resettlement offer

Immigration chief confirms arrival of man who is one of three to have volunteered last month for transfer

The Guardian
Lauren Crothers
Tuesday 8 November 2016 19.39 AEDT

A Syrian man quietly arrived in Cambodia on Sunday, becoming just the sixth refugee detained by Australia on Nauru to take up an offer of resettlement in the third-party country since a \$40m deal was signed two years ago.

The country’s immigration chief, General Sok Phal, confirmed the man’s arrival to the Guardian on Tuesday but referred further questions to the head of the refugee department, General Tan Sovichea, who hung up the phone when contacted about the transfer.

The Cambodia Daily quoted Sovichea as saying that the refugee was staying at the Phnom Penh offices of the International Organisation for Migration, which won a tender to facilitate the resettlement of Nauru volunteers last year. The IOM’s refugee settlement manager for Cambodia, Kristin Dadey, could not be reached.

The man is one of three men who last month volunteered for transfer to Cambodia. Ian Rintoul of the Refugee Action Coalition told the Guardian that the Syrian man had initially been told he would be given the chance to be reunited with his family, who are in a Jordanian refugee camp, upon arrival in Cambodia. Rintoul said he had been told this deal might now be off the table.

A second volunteer, believed to be from Afghanistan, had allegedly sought a transfer home. “He found out he was being sent to Cambodia rather than home, or on his way home,” Rintoul said. “We’ve been told that people who want to go home have to go via Cambodia.”

Rintoul said he was trying to determine why the third man, whose nationality has not been confirmed, had decided to remain on Nauru.

At present, Cambodia is the only third-country option available to detainees on Nauru who have been determined to be refugees. On Tuesday Australia’s immigration minister, Peter Dutton, has said his government has been courting third countries besides Cambodia “for a long period of time and we are going to land a deal”.

Rintoul said he believed there have been “no countries forthcoming” on that front.

“I think it’s very clear there are no UNHCR-resettling countries that will be involved in resettling arrangements when Australia has deliberately and consciously subverted international resettling protocols,” he said.

The decision by the foreign minister, Julie Bishop, to approach Cambodia in January 2014 was derided by refugee advocates and the Greens senator Sarah Hanson-Young, who said Australia’s unwanted refugees would effectively be “dumped” in the country.

Despite this, the \$40m deal was sealed by the then immigration minister, Scott Morrison, and the Cambodian interior minister, Sar Kheng, in a champagne ceremony in September that year. A further \$15.5m was tacked on to cover logistical costs.

But just four people took up the offer initially, and all of them – three Iranians and a Rohingya man – have since returned to their home countries. A fifth Rohingya refugee arrived separately and remains in Phnom Penh.

Australia's immigration department said the two countries remained committed to the refugee deal but it would not comment on individual cases.

"Australia and Cambodia are committed to an arrangement that provides refugees with the support they need to integrate into the Cambodian community and build new lives," it said.

<https://www.theguardian.com/world/2016/nov/08/syrian-held-on-nauru-lands-in-cambodia-as-sixth-refugee-to-take-up-resettlement-offer>

25. Qantas flight protester trying to stop asylum seeker transfer told she 'can't pick' laws to follow

ABC News Online
Posted Fri 11 Nov 2016, 8:28am

A protester who tried to stop the transfer of a Tamil asylum seeker on a plane in Melbourne has been placed on a two-year good behaviour bond.

Last year, 23-year-old Jasmine Pilbrow refused to take her seat on the Qantas flight to Darwin in protest because she was concerned the man would be deported once he arrived.

She distributed flyers and urged passengers to refuse to sit down unless the man was allowed to get off the plane.

She was then removed by Australian Federal Police officers.

She was later charged with interfering with a cabin crew member and found guilty.

In sentencing Pilbrow, the magistrate acknowledged she was committed to her cause but she said she did not get to pick and choose which laws to follow.

No conviction was recorded.

Pilbrow has already paid Qantas nearly \$3,500 in compensation. The airline has also banned Ms Pilbrow from flying with them.

<http://www.abc.net.au/news/2016-11-11/jasmine-pilbrow-good-behaviour-bond-plane-protest/8016808>

26. Kevin Rudd accuses Malcolm Turnbull of lying over asylum seeker 'begging' claims

Sydney Morning Herald
November 8 2016 - 6:38PM
Michael Gordon

The public feud between Malcolm Turnbull and Kevin Rudd has escalated, with the former Labor leader accusing the Prime Minister of lying about their private discussions on asylum seeker policy.

Mr Rudd has challenged Mr Turnbull to provide evidence to support his repeated assertions that he "begged" Mr Rudd not to dismantle the Pacific Solution policy introduced by John Howard to stop the boats.

He has branded the Turnbull account a "total reinvention of history" to "try and pretend he has had a consistent position on Manus and Nauru", saying Mr Turnbull was not even opposition leader when the policy was dismantled.

The charge came as Mr Turnbull branded Mr Rudd a "liar" in an address to his MPs and used the Parliament to ramp up pressure on Labor to support the Coalition's lifetime ban on refugees processed offshore visiting Australia, with Immigration Minister Peter Dutton suggesting the move was a precursor to refugees being resettled from Nauru and Manus Island.

Mr Turnbull has consistently maintained he "begged" Mr Rudd not to dismantle the Pacific Solution, which included detaining asylum seekers in camps on Manus Island and Nauru, boat turnbacks and temporary protection visas.

"The Labor Party came into government and were warned by many people including me," Mr Turnbull told ABC radio last month. "I was leader of the opposition. I begged Kevin Rudd not to change John Howard's border protection."

Mr Rudd's office has collated 16 such statements since October last year, with Mr Rudd saying they represent a "post-facto fabrication".

"I am making this statement because Mr Turnbull continues to lie about his own position on asylum seekers policy when, in virtually every interview, he falsely alleges he 'begged' me at the time not to change Howard's policy," Mr Rudd says in a statement provided to Fairfax Media.

"Mr Turnbull's record on this matter is as truthful as his statements during the notorious Godwin Grech affair," he added, in a reference to the affair that triggered a collapse in Mr Turnbull public approval when he was opposition leader in 2009. "Both rest on absolute falsehoods."

Mr Turnbull launched a scathing attack on Mr Rudd while mounting a passionate defence of the proposed ban when he addressed Coalition MPs on Tuesday, insisting those on Manus and Nauru "were put there by Kevin Rudd".

Citing last week's claim by Mr Rudd that Labor intended to review its decision to reopen camps on Manus and Nauru in 2013 after 12 months, Mr Turnbull told the MPs Mr Rudd had "once again lied" about his record on border protection policy.

Mr Rudd was asked by Fairfax Media earlier this year to respond to the assertion that Mr Turnbull begged him not to dismantle the Howard-era policies. His reply arrived on Tuesday afternoon. Relations between the two men have deteriorated since the Turnbull government's decision not to nominate Mr Rudd for United Nations secretary-general.

"There appear to be major problems with the accuracy of Mr Turnbull's account," he said.

"First, the government announced in December 2007 the end of Mr Howard's Pacific Solution. This was consistent with our pre-election commitments. This was completed on the 8 February 2008, when the last asylum seekers left Nauru. The problem is Mr Turnbull was not opposition leader at the time. Dr [Brendan] Nelson was opposition leader," he said.

"Second, on becoming opposition leader in September 2008, Mr Turnbull had little to say on asylum policy, let alone 'begging' me to restore Mr Howard's policy."

Mr Rudd maintains Mr Turnbull's first comments on asylum seekers policy were made in a November 2008 press conference when he said: "I am concerned that the government is not sending a strong enough signal that it will not tolerate people smuggling. Now that's all I have to say about it".

He asserts it was not until December 2008 that Mr Turnbull "flagged his single concern as being one about temporary protection visas, not Manus and Nauru".

"Once again, Mr Turnbull is re-writing history to appeal to the mad right of his own party in order to hang on to his increasingly imperilled job."

Mr Turnbull's office responded, saying: "As leader of the opposition Malcolm Turnbull repeatedly opposed Kevin Rudd's dismantling of strong border protection policies." It pointed to a number of public statements by Mr Turnbull in 2009, including one where he said: "We had policies in government which were effective. The Rudd government abandoned them and, as a consequence, we have seen a dramatic increase in unauthorised boat arrivals."

<http://www.smh.com.au/federal-politics/political-news/kevin-rudd-accuses-malcolm-turnbull-of-lying-over-asylum-seeker-begging-claims-20161108-gskoai.html>

27. Senate looks for compromise on legislation to ban refugees from ever entering Australia

ABC Radio CAF - AM

By Julia Holman

Posted Tue 8 Nov 2016, 10:29pm

The Government may have to compromise if it wants its legislation banning refugees who are in offshore detention from ever visiting Australia to pass the Senate.

Senator Nick Xenophon and his party colleagues were briefed on the issue yesterday by Immigration Minister Peter Dutton.

The Government's proposal is to ban refugees who are on Manus Island and Nauru from ever visiting Australia even on a business or a tourist visa.

Senator Xenophon said his party might not vote as a bloc on the issue.

"It does go much further than current laws and it is a vexed moral issue," Senator Xenophon told AM.

"It is a conscience issue for the team. I expect we will all have differing positions in relation to this, and I respect that."

He said the numbers in the Senate were "very finely balanced" on this issue, but personally he would be more likely to support it if there was an increase to the humanitarian intake.

He said back in 2014 he voted with the Government to introduce temporary protection visas because there was a significant lift in refugee numbers

"We pushed really hard to increase the humanitarian intake, which we did by 7,500 people," he said.

"That's 7,500 souls that would otherwise be languishing in a refugee camp somewhere in the world that will be able to call Australia home.

"And in my view, Australia is a big country with a big heart, I would like to see an even bigger increase in our humanitarian intake."

Another crossbench senator, Liberal Democrat David Leyonhjelm, said he would not be pushing for an increase in the humanitarian intake, although he did not want to see the numbers go down either.

But he was sceptical about whether the Government could stop refugees who become citizens of a country like Canada or New Zealand from visiting Australia.

"Suppose a refugee is banned from ever coming to Australia as a result of arriving here illegally, then goes to New Zealand and becomes a citizen of New Zealand and then wants to visit Australia," he said.

"Are they seriously going to prohibit that person from entering the country? How would we even know who that was? If they've got a New Zealand passport we just let them in automatically anyway."

Government needs support of eight crossbenchers

Immigration Minister Peter Dutton said he wanted a vote in the Lower House by the end of the week.

With Labor and the Greens opposing the legislation, the Government needs the support of eight out of 10 Senate crossbenchers.

However, Nick Xenophon said the Upper House would not be in any hurry to make a decision.

"I still haven't reached a final position and I don't believe it's fair to say that my colleagues have necessarily reached a final position," he said.

"It depends what all the elements of the legislation are and whether the Government is prepared to move on some of those elements of the legislation.

"If there is some way that the humanitarian intake can be increased, that a third country can be found for those languishing on Nauru or Manus Island, that you don't compromise the strong position that we have on people smugglers, and to make sure that we don't see a revival of that trade and with it the drownings at sea and the gross exploitation of those asylum seekers, then maybe, just maybe, we can come up with a solution that is far from perfect but would be an improvement on what we have now."

<http://www.abc.net.au/news/2016-11-09/senate-looks-for-compromise-on-refugee-legislation/8007530>

28. Refugee deported to Nauru had arrived in Australia on cruise thinking he had valid visa

Legal experts say case of African man, who was secretly deported from Melbourne last week, 'exposes the lie that the government's policies are some sort of humanitarian crusade'

The Guardian

Helen Davidson

Tuesday 8 November 2016 18.04 AEDT

A refugee who was secretly deported from Melbourne to Nauru in the middle of the night last week arrived in Australia by cruise ship almost two years ago believing he had a valid visa.

The fact he was sent to Nauru despite not arriving via an illegal people smuggling venture exposed government policy as a "lie", a human rights lawyer said.

The man, who is from an African nation, was removed from the Melbourne immigration transit accommodation on Thursday night without warning and without being able to contact his lawyers.

He had arrived in Australia in early 2014 as a passenger on a cruise ship on the understanding that he had a valid visa.

He was detained as an unauthorised maritime arrival after stating he wished to claim asylum, and was sent to Villawood detention centre in Sydney. A few months later he was transferred to Nauru via Darwin, and has since been granted refugee status.

The government argues its offshore processing policy – which has seen a dramatic reduction in asylum seekers vessels reaching Australia – discourages people from making dangerous journeys, and undermines the business model of people smugglers.

“It’s not an illegal boat,” he told Guardian Australia from Nauru. “You can’t get on a cruise ship if you don’t have a visa. It is a legal boat.

“I came here because I have a problem,” he said.

He has since returned to Australia on three occasions for medical treatment, each time sent back without warning, but he said Friday’s deportation was the worst instance, as he was restrained and prevented from contacting his lawyer.

“Punishing a man who arrived on a cruise ship exposes the lie that the government’s policies are some sort of humanitarian crusade,” said Daniel Webb of the Human Rights Law Centre.

“If this was really about safety, then the government would focus on developing safe and orderly paths to protection for people seeking asylum instead of needless punishing them.”

The man said he was woken when officials came into his room at about 1am on Friday morning and restrained him, without allowing him to dress.

“They said, ‘come on come on’, I said, ‘Why? I don’t understand.’ They said, ‘you don’t ask us anything’. They handcuffed me. ‘You have to tell me why,’ I said. I am not a criminal.

“They just come to handcuff you and carry you by force. I cry and cry and cry.”

When he begged to speak to his lawyer, officials called their office switchboard, despite the hour, he said.

“I said no, you cannot call someone from one o’clock,” he said.

“[I told them] that’s the office number, not her mobile. I have her mobile number, it’s in my diary. I can go to my room and get my diary and call her. They said we are going to transfer you to Nauru.”

Webb said the Australian government had a legal duty to facilitate a person’s access to legal assistance, and “calling a switchboard at 3am before bundling a terrified man on to a chartered plane doesn’t cut it”.

“A government confident its actions are decent and lawful doesn’t secretively deport people on chartered jets in the middle of the night without any meaningful chance to speak to their lawyers”.

The man told Guardian Australia he was confused and scared for his life during the deportation. No one told him why he was being deported and he said he remained restrained and shirtless for the whole journey from Melbourne to Nauru.

He and a number of guards were the only people on the charter flight, he said, estimating the plane could have seated more than 100 people.

The shadow immigration minister, Shayne Neumann, said he was not aware of the specifics of the case but the man’s claims were “troubling and concerning”.

“What’s concerning is the manner in which he was treated, if that’s true. I’m not across all the facts but I would certainly raise the issue with the minister,” he said.

The Department of Immigration and the minister, Peter Dutton, were contacted with questions.

The department said while it did not comment on individual cases “when an individual is transferred to Australia for medical treatment they are returned to Nauru once their medical treatment is complete and they have no medical reason to remain in Australia”.

“Individuals are informed of this process prior to their transfer,” the spokesman said. When asked for clarification of how much notice they receive, the spokesman declined to answer and cited “operational reasons”.

The department did not respond to other questions.

<https://www.theguardian.com/australia-news/2016/nov/08/refugee-deported-to-瑙鲁-had-arrived-in-australia-by-cruise-thinking-he-had-valid-visa>

29. Australia's people smuggling ambassador hasn't been to Nauru since appointment: FOI documents

ABC News Online

By political reporter Uma Patel

First posted Tue 8 Nov 2016, 9:04pm

Updated Wed 9 Nov 2016, 2:41am

Australia's ambassador for people smuggling, Andrew Goledzinowsk, has never travelled to Nauru in the two years since his appointment, freedom of information documents show.

When announcing Mr Goledzinowsk would be appointed as ambassador in 2014, Foreign Minister Julie Bishop highlighted the role he would play in the international elements of Australia's asylum seeker policies.

In a statement, when he was announced in the position, she described it as "an important role in promoting effective and practical international cooperation to counter people smuggling in support of Operation Sovereign Borders".

On Monday, Immigration Minister Peter Dutton told Question Time the Government's immigration policy included "getting people off Manus and Nauru, starting with the families, and we will tell you shortly the detail".

The Foreign Minister now said Mr Goledzinowsk's role also included helping to resettle the asylum seekers on Nauru and Manus in Papua New Guinea.

"The ambassador for people smuggling and human trafficking's role is to promote practical international cooperation and to negotiate resettlement arrangements with third countries," she said.

"For example, Ambassador Goledzinowski has been to Papua New Guinea a number of times since his appointment for these purposes."

He has been to Manus Island in Papua New Guinea twice since his appointment.

There are 396 asylum seekers on Nauru and 873 on Manus Island.

During his time as ambassador, Nauru has had an election and changed its detention centre to an "open facility".

The Department of Foreign Affairs' records show no one in the role has been to Nauru since 2010.

However, the Foreign Minister said previous ambassadors for people smuggling have had more responsibility for Nauru.

"The Nauru arrangement was successfully negotiated by a previous ambassador and implementation of this arrangement is the responsibility of Department of Immigration and Border Protection," she said.

Most of Australia's 120 ambassadors are responsible for a particular country or group of countries such as the OECD.

However, the ambassador for people smuggling and human trafficking is responsible for a specific policy area.

The ambassador for the environment is the only other role without a clear country and group of countries within their responsibilities.

<http://www.abc.net.au/news/2016-11-09/australia-s-people-smuggling-ambassador-has-never-been-to-瑙鲁/8006970>