

Project SafeCom News and Updates

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1. Coalition brawl over British-style Home Office deepens as December reshuffle looms

Canberra Times

Friday June 16 2017

David Wroe, James Massola

A brawl is building inside the Turnbull government over the creation of a British-style Home Office that would bring together major intelligence, police and security agencies.

While the idea has gained traction, some within the government are pushing back and arguing that Australia's current arrangements are working well while Britain has experienced several serious terrorist attacks in recent months.'

"Why would anyone think their arrangements are better than ours?" one influential insider said.

A super-department in the style of the US Department of Homeland Security is understood to have been all but ruled out, but a British model is being more seriously considered.

That would bring together domestic security agencies ASIO and the Australian Federal Police with the Australian Border Force and end the arrangement whereby the Attorney-General, as the nation's first law officer, signs ASIO warrants.

Prime Minister Malcolm Turnbull is understood to be leaning towards the British-style approach with Immigration Minister Peter Dutton to head the new portfolio.

Mr Turnbull is expected to receive former Department of Foreign Affairs head Michael L'Estrange's review of intelligence agencies within weeks, though the review is not tipped to make any concrete recommendation on whether to set up a Home Office.

The receipt of the report is unlikely to trigger an immediate reshaping of portfolios and a Cabinet reshuffle, with December firming as the more likely time for Mr Turnbull to shake up his frontbench.

If the major restructure were to go ahead, Attorney-General George Brandis would lose responsibility for ASIO, while Justice Minister Michael Keenan would lose the Australian Federal Police.

Senator Brandis and Foreign Minister Julie Bishop are understood to be among the ministers fighting a rearguard action and questioning the necessity of the change. There is also understood to be widespread scepticism among the agencies themselves about the move.

John Blaxland, a security and intelligence expert from the Australian National University who has co-written the official history of ASIO, said the present architecture had been refined by multiple reviews and it would be "foolhardy" to make dramatic changes.

"We have very highly developed procedures, sharing arrangements, liaison arrangements and protocols that are the envy of the world. So if you want to mess with that, you are messing with a system that is far from broken," he said.

Australia has suffered five recent "lone wolf" terror attacks including the Lindt Cafe siege and the Brighton shooting but has thwarted 12 others including potential mass casualty attacks.

Britain is generally regarded however as having a considerably larger Islamist extremist problem than Australia. Its security services have also prevented many attacks.

On Tuesday in a speech to Parliament, Mr Turnbull said the government would "not take an 'if it ain't broke, we won't fix it' mentality". He has said repeatedly in the past week that the government would not "simply set and forget" national security laws. Mr Turnbull increasingly relies on Mr Dutton and Finance Minister Mathias Cormann, for political advice and to protect his conservative flank.

The shake up of ministerial portfolios and reshuffle of jobs is now thought to be more likely to take place in December, rather than June. The government has significant policies from the federal budget such as the Gonski 2.0 school funding reforms to pass through the Parliament, a growing stoush over climate policy to deal with and a final barnacle for 2017 in sight - ending the impasse over same-sex marriage.

Senator Brandis is widely expected to quit politics at that time, possibly to take up a diplomatic posting in London, and there is a view in the party that before he goes the Attorney-General wishes to secure the legalisation of same-sex marriage as a "legacy" item.

<http://www.canberratimes.com.au/federal-politics/political-news/coalition-brawl-over-britishstyle-home-office-deepens-as-december-reshuffle-looms-20170616-gwsie9.html>

2. Malcolm Turnbull drops another hint about security agency shake-up

Canberra Times
July 11 2017
James Massola

London: Prime Minister Malcolm Turnbull has signalled Australia's major security agencies could be brought together as part of a new, super-ministry modelled on the system in Britain.

The Prime Minister recently received a review of the intelligence and security agencies by former official Michael L'Estrange and, while some sections of the public service - and indeed, some ministers - may fight the plan, Mr Turnbull appears to be leaning towards the creation of a new Home Office.

The new agency would likely include ASIO, which would come out of Attorney-General George Brandis' portfolio, the federal police, who would be moved from Justice Minister Michael Keenan's portfolio, and Border Force.

Immigration Minister Peter Dutton is the hot tip to take charge of the new agency.

Speaking at a joint news conference with British Prime Minister Theresa May, Mr Turnbull said "we are always interested in learning about the British experience".

"The UK has an integrated Home Office and in fact, Theresa was the Home Secretary and they have all their domestic security agencies, MI5, police and border protection, as all part of that," he said.

"We have to be dynamic, agile, constantly asking can we improve the way our agencies are keeping Australians safe and will always continue to seek to improve them."

"We will always seek to improve our national security arrangements, this is no place for 'set and forget.'"

The idea of a Home Office has gained traction, some within the government are pushing back and arguing Australia's current arrangements are working well, while Britain has experienced several serious terrorist attacks in recent months.

Such a major change in the arrangements that govern Australia's security agencies would likely be the trigger for a wider reshuffle - however, Mr Turnbull is understood to be leaning towards the end of the year before making any major changes to his front bench.

Putting Mr Dutton in charge of the portfolio would also help answer some internal conservative critics, who believe they don't have enough power or influence in the government.

Mr Turnbull also highlighted his government's cyber security strategy and recent domestic law changes that allow terrorists to be kept in jail after their sentence expires as evidence of the government's recent action and commitment to tackling terrorism.

He also pointed to the push at the G20 to tighten the rules on encrypted messaging services such as WhatsApp so they have to help facilitate access to terrorists' using the platform to plot attacks.

On North Korea, the two leaders were united in their condemnation of that rogue state's recent missile tests, with Mrs May describing it as a "flagrant breach" of UN resolutions.

Mr Turnbull said that "we don't want to see North Korea with nuclear weapons" and again called on China to exert its influence on the North Korean regime.

Neither leader would say what, exactly, represented a "red line" for them in terms of North Korea's growing strike capacity.

Earlier, Mr Turnbull became emotional as he spoke about meeting police officers who had attempted to save Australian victim Sara Zelenak, saying he had found it hard not to "burst into tears" as they recounted what had happened.

"They were very brave men and women and I just want to thank them on behalf of all Australians," he said. "It was a very moving visit ... I want to say how much we admire the outstanding response of your police arriving on the scene so quickly.

"They ran towards danger while others were fleeing it."

The pair had earlier made a low-key visit to the Borough Market talking to stall holders about the devastating attack that left eight people dead and wounded almost 50.

The two prime ministers also spoke about the resilience of the community in the face of the terror threat, and said Britain and Australia would continue to fight terrorism at home and in the Middle East.

Mrs May spoke about Australian nurse Kirsty Boden who was one of nine who lost her life in the Borough Market attack, praising her for having "rushed to the scene".

"They didn't think of themselves but went to help those who they saw in need."

Mrs May said that Britain was going "to stand up against these terrorists".

<http://www.canberratimes.com.au/federal-politics/political-news/malcolm-turnbull-drops-another-hint-about-security-agency-shakeup-20170710-gx8iyu.html>

3. US hits refugee intake cap as Manus Island, Nauru refugees assessed

ABC News Online

By North America correspondent Stephanie March

Friday July 14, 2017, 5:19am

Refugees in detention centres on Manus Island and Nauru could be delayed entry to the United States after the country hit its annual refugee intake cap yesterday.

The US is assessing many of the hundreds of refugees in those centres for resettlement as part of a deal struck last year with the Australian Government.

US President Donald Trump reduced America's annual refugee intake from 110,000 to 50,000 as part of his travel ban earlier this year.

The US State Department has said that cap was reached yesterday.

The new intake year begins on October 1.

Exemptions could be made for those who have a "credible claim to a bona fide relationship with a person or entity in the United States", following a decision from the US Supreme Court last month that revived elements of Mr Trump's travel ban while it considers the legality of the order.

The US State Department said immigration officials have "not yet concluded adjudications of any refugees being considered for resettlement out of Australian facilities in Nauru and Manus islands".

The President, in consultation with Congress, is expected to set the next year's refugee admission ceiling in the next three months.

The resettlement deal was announced by Prime Minister Malcolm Turnbull last year, with Australia agreeing to consider resettling Central American refugees from a centre in Costa Rica while the US promised to consider taking refugees from Manus Island and Nauru.

In November last year Mr Turnbull said the resettlement deal for those on Manus Island and Nauru was a "one-off agreement" that would not apply to any new asylum seeker boat arrivals.

While the election of Mr Trump cast some uncertainty about whether the deal would go ahead, the White House said in February the deal would go ahead provided the refugees were subject to "extreme vetting" procedures.

Officers from the Department of Homeland Security were on Nauru in March and Manus Island during April, fingerprinting refugees who expressed an interest in US resettlement.

The ABC understands that of the roughly 900 refugees who may be under consideration on Nauru, around 600 had first interviews conducted by officials from the US resettlement team based in Bangkok in December and January.

Most of the people interviewed are from Sudan, Somalia and Afghanistan.

Of around 600 who may be eligible on Manus Island, around half had first interviews during the same period.

Parliamentary Library figures show there are at least 941 refugees on Nauru and 675 on Manus.

<http://www.abc.net.au/news/2017-07-14/manus-nauru-refugees-waiting-as-us-intake-cap-reached/8707340>

4. US officials walk out of Australia-run Nauru detention centre

Abrupt halt to screening interviews from US officials throws refugee swap programme into doubt

The Guardian
Reuters in Sydney and Washington
Saturday 15 July 2017 23.26 AEST

The resettlement of refugees from an Australia-run detention centre on the Pacific island of Nauru as part of a deal with the US has been thrown into doubt after American officials interviewing detainees left the facility abruptly.

The officials halted screening interviews and departed the island on Friday, two weeks short of their scheduled timetable and a day after Washington said the US had reached its annual refugee intake cap.

“US [officials] were scheduled to be on Nauru until 26 July but they left on Friday,” one refugee told Reuters, requesting anonymity as he did not want to jeopardise his application for resettlement.

In the US, a senior member of the union that represents refugee officers at the Citizenship and Immigration Services (USCIS), a Department of Homeland Security agency, told Reuters his own trip to Nauru was cancelled.

Jason Marks, chief steward of the American Federation of Government Employees Local 1924, told Reuters his trip had been pushed back – and it was unclear whether it would even take place. The USCIS did not respond to requests for comment.

On Saturday, the White House did not immediately respond to requests for comment.

The Australian immigration department declined to comment on the whereabouts of the US officials or the future of a refugee-swap agreement between Australia and the US that Donald Trump earlier this year branded a “dumb deal”.

An indefinite postponement of the deal would have significant repercussions for Australia’s pledge to close a second detention centre on Papua New Guinea’s Manus Island on 31 Oct. Only 70 refugees, less than 10% of the total detainees held in the camp, have completed US processing.

“The US deal looks more and more doubtful,” Ian Rintoul from the Refugee Action Coalition said. “The US deal was never the solution the Australian government pretended it to be.”

The former US president Barack Obama agreed the deal with Australia late last year to offer refuge to up to 1,250 asylum seekers. The Trump administration said it would only honour the deal to maintain a strong relationship with Australia – and then only on condition that refugees satisfied strict checks.

In exchange, Australia has pledged to take Central American refugees from a centre in Costa Rica, where the US has taken in a larger number of people in recent years. The swap is designed, in part, to help Australia close both Manus and Nauru, which are expensive to run and have been widely criticised by the United Nations and others over treatment of detainees.

A State Department spokeswoman said on Friday that USCIS “has not yet concluded adjudications of any refugees being considered for resettlement out of Australian facilities in Nauru and Manus Islands”, and referred questions on timing to USCIS.

The US government confirmed on Thursday that its refugee intake cap of 50,000 people had been reached. The new intake year is not due to begin until 1 October.

Exemptions could be made for those who have a “credible claim to a bona fide relationship with a person or entity in the United States”, following a decision from the Supreme Court last month reviving elements of Trump’s travel ban while it considers the legality of the order.

Given the risky boat journey the refugees in Manus and Nauru undertook to reach Australia, it is unlikely many of them have strong family ties to the US, experts said. The majority of the detainees interviewed on both Manus and Nauru by US officials in April are from Sudan, Somalia and Afghanistan.

Australia’s hardline immigration policy requires asylum seekers intercepted at sea trying to reach Australia to be sent for processing to camps at Manus and Nauru. They are told they will never be settled in Australia.

Trump’s resistance to the refugee deal had strained relations with a key Asia Pacific ally, triggering a fractious phone call with the Australian prime minister, Malcolm Turnbull, earlier this year. Trump’s concession and a series of high-level visits by US dignitaries has since helped mend connections between the two countries. Australia has already offered detainees up to \$25,000 (£15,000) to voluntarily return to their home countries, an offer few have taken up.

<https://www.theguardian.com/world/2017/jul/15/us-officials-walk-out-australia-nauru-detention-centre>

5. Australia, US refugee deal again in jeopardy as officials exit Nauru

Canberra Times / Reuters
July 16 2017 - 1:48AM

US officials interviewing refugees held in an Australian-run offshore detention centre left the facility abruptly, three detainees told Reuters on Saturday, throwing further doubt over a plan to resettle many of the detainees in America.

US officials halted screening interviews and departed the Pacific island of Nauru on Friday, two weeks short of their scheduled timetable and a day after Washington said the United States had reached its annual refugee intake cap.

"US (officials) were scheduled to be on Nauru until July 26 but they left on Friday," one refugee told Reuters, requesting anonymity as he did not want to jeopardise his application for US resettlement.

In the United States, a senior member of the union that represents refugee officers at US Citizenship and Immigration Services (USCIS), a Department of Homeland Security agency, told Reuters his own trip to Nauru was not going forward as scheduled.

Jason Marks, chief steward of the American Federation of Government Employees Local 1924, told Reuters his trip has now been pushed back and it was unclear whether it will actually happen. The USCIS did not respond to requests for comment.

The Australian Immigration Department declined to comment on the whereabouts of the US officials or the future of a refugee swap agreement between Australia and the United States that President Donald Trump earlier this year branded a "dumb deal".

An indefinite postponement of the deal would have significant repercussions for Australia's pledge to close a second detention centre on Papua New Guinea's Manus island on October 31. Only 70 refugees, less than 10 percent of the total detainees held in the camp, have completed US processing.

"The US deal looks more and more doubtful," Ian Rintoul from the Refugee Action Coalition said. "The US deal was never the solution the Australian government pretended it to be."

Former US President Obama agreed a deal with Australia late last year to offer refuge to up to 1,250 asylum seekers, a deal the Trump administration said it would only honour to maintain a strong relationship with Australia and then only on condition that refugees satisfied strict checks.

In exchange, Australia has pledged to take Central American refugees from a centre in Costa Rica, where the United States has taken in a larger number of people in recent years.

The swap is designed, in part, to help Australia close both Manus and Nauru, which are expensive to run and have been widely criticised by the United Nations and others over treatment of detainees.

A State Department spokeswoman said on Friday that USCIS "has not yet concluded adjudications of any refugees being considered for resettlement out of Australian facilities in Nauru and Manus islands," and referred questions on timing to USCIS.

The US government confirmed on Thursday that its refugee intake cap of 50,000 people had been reached with the new intake year not due to begin until October 1.

Exemptions could be made for those who have a "credible claim to a bona fide relationship with a person or entity in the United States", following a decision from the US Supreme Court last month reviving elements of Trump's travel ban while it considers the legality of the order.

Given the risky boat journey the refugees in Manus and Nauru undertook to reach Australia, it is unlikely many of them have strong family ties to the United States, experts said. The majority of the detainees interviewed on both Manus and Nauru by US officials in April are from Sudan, Somalia and Afghanistan.

Australia's hardline immigration policy requires asylum seekers intercepted at sea trying to reach Australia to be sent for processing to camps at Manus and on the South Pacific island of Nauru. They are told they will never be settled in Australia. Trump's resistance to the refugee deal had strained relations with a key Asia Pacific ally, triggering a fractious phone call with Australian Prime Minister Malcolm Turnbull earlier this year.

Trump's concession and a series of high-level visits by US dignitaries has since helped mend connections between the two countries. Australia has already offered detainees up to \$25,000 to voluntarily return to their home countries, an offer few have taken up.

<http://www.canberratimes.com.au/federal-politics/political-news/australia-us-refugee-deal-again-in-jeopardy-as-officials-exit-nauru-20170715-gxc2lc.html>

6. Immigration Department's asylum seeker data breach costs taxpayers nearly \$1m in legal fees

ABC News Online

By political reporter Henry Belot

Thursday July 13, 2017

A huge data breach that compromised the privacy of almost 10,000 asylum seekers has cost the Government close to \$1 million in legal fees.

Those legal costs are set to increase as asylum seekers argue the breach revealed their countries of origin, placing them at greater risk of persecution.

In 2014, the Immigration Department accidentally published the names, gender and boat arrival dates of those in detention centres on Christmas Island and the Australian mainland.

The information was online for eight days and drew strong criticism from Privacy Commissioner Timothy Pilgrim, who said it could have been easily avoided.

In response to a question asked during Senate Estimates, Immigration Department staff today revealed ongoing legal costs of \$955,330.

"Given the varying scope and nature of the legal matters that remain on foot, including any appeal right the parties involved will have available to them at the conclusion of those matters, the department is unable to provide an estimate of the costs that may be incurred in finalising all matters related to the 2014 data breach," a spokesman said.

In May, the department confirmed there were 34 matters related to the breach before the Federal Circuit Court, six in the Federal Court and one in the High Court.

The embarrassing bungle was the result of staff copying data directly from a Microsoft excel spreadsheet, into a final report.

Department secretary Michael Pezzullo would not rule out a similar breach occurring again, saying there was always a risk of human error.

During a senate hearing, he said one of his first decisions made as secretary was placing Immigration systems behind a firewall and removing internet-facing systems that were not protected.

"That has certainly helped to mitigate the risk of inadvertent, clumsy, accidental disclosure," he said.

But the Immigration Department has reported 18 data breaches to the Office of the Information Commissioner since 2012-13.

In 2015-16, the department reported seven breaches, the largest number in a single year.

Media masters, FOI backlog and credit card misuse

The department has also revealed it employs 77 media and communication staff at a cost of \$7.7 million over nine months.

The costs and the number of staff is comparable to 2015 and 2016 figures, possibly reflecting the number of media inquiries lodged with the department.

Immigration is also facing a considerable backlog of freedom of information questions, with 3,986 applications still pending approval.

Close to 3,000 of those applications are now outside the statutory deadline for a response.

The department has reported 484 unauthorised credit card purchases by staff during 2016, totalling \$18,964. All costs have been repaid.

Immigration also says it has stopped "many millions of unsuccessful, malicious cyber events targeted either directly or indirectly at the department".

This is welcome news for the department, which has faced some criticism for its approach to cyber security in recent months.

[http://www.abc.net.au/news/2017-07-13/asylum-seeker-data-breach-costs-\\$1-million-in-legal-fees/8705326](http://www.abc.net.au/news/2017-07-13/asylum-seeker-data-breach-costs-$1-million-in-legal-fees/8705326)

7. Border force podcast falls on deaf ears

news.com.au

July 13, 2017, 5:51pm

Dan McCulloch,

Australian Associated Press

A podcast produced by the notoriously media-shy immigration department has flopped, but despite its meagre audience figures, there are more episodes on the horizon.

The Australian Border Force took to the airwaves late in 2016 in a bid to cut out the media middle-man and trumpet its various operations.

Four episodes have since gone to air, featuring interviews with senior officers and commanders about the agency's work, with topics ranging from illegal fishing to drug and people smuggling.

But stream and download figures provided to a Senate Estimates committee show the podcast has failed to launch.

The first episode, which included ABF commissioner Roman Quaedvlieg, was streamed or downloaded 1242 times.

Audience figures then plunged rapidly, with the second episode clocking up 834 streams and downloads and the third just 613.

The fourth episode, published on April 28, was streamed or downloaded just 316 times in the five weeks to June 6, according to a breakdown provided to senators.

The podcast is produced in-house by the immigration department - which has 77 communications staff - and is understood to cost very little.

A spokeswoman for the department would not be drawn on whether the figures were a success, saying the podcast was designed to supplement existing social media channels.

"As such there is no set expectation about its reach," she told AAP on Thursday.

It provides an opportunity for the department to speak directly to the public in an open and transparent way about its role and contribution to safety and security, the spokeswoman said.

"We do expect to produce more podcasts in the future."

The podcast has so far received roughly two dozen reviews - very few of them positive - with the word "propaganda" appearing often.

<http://www.news.com.au/national/breaking-news/border-force-podcast-falls-on-deaf-ears/news-story/689f6d8471c2e43fbd90b4f222d3be6a>

8. Protesters who allegedly superglued themselves to railings at Parliament House plead not guilty

ABC News Online

By Jana Black

Wednesday July 12, 2017

Seven people charged after they allegedly superglued their hands to railings in Parliament House during Question Time have been committed for trial in the ACT Supreme Court. The protesters were each formally charged in the ACT Magistrates Court today with damaging Commonwealth property.

They were part of a larger group of 40 people protesting against offshore detention who caused Parliament House to be shut down in November last year. In chaotic scenes, security guards forcibly dragged a number of protesters from the public gallery of the House of Representatives, with many heard screaming "don't hurt me".

The protesters were removed for disrupting Question Time by shouting statements like "close the camps" and "bring them here". At the time of the incident, the Whistleblowers Activists and Citizens Alliance claimed responsibility for the protest.

Australia 'a world leader in cruelty'

Outside the court today protesters held a large banner reading: "Close the bloody camps now." They also made a statement, saying it was time for the Australian Government to close offshore immigration detention centres.

The four women and three men said they pleaded not guilty to the charge of damaging Commonwealth property and exercised their right to be heard by a jury.

Sally Hunter, a member of the group, also read a statement about the incident at Parliament House. Ms Hunter said the group went to Parliament House to speak to their representatives directly to say "they are complicit in the rape, torture, and child abuse of innocent people who are being detained indefinitely".

Cammy Hill, another member of the group, said Australia had become "a world leader in cruelty". She said activists had tried for years to be "heard through more conventional means" but said "these methods were no longer enough". All seven protesters were released on bail to face court again later this month.

<http://www.abc.net.au/news/2017-07-12/parliament-house-superglue-protesters-to-stand-trial/8700564>

9. Pro-refugee protesters plead not guilty to damaging Parliament House

Four men and three women who glued their hands to railings at Parliament House in 2016 face maximum penalty of 10 years' jail

The Guardian
Australian Associated Press
Wednesday 12 July 2017 11.12 AEST

Protesters who shut down question time after gluing their hands to railings at Parliament House late in November 2016 have pleaded not guilty to intentionally damaging property.

The four men and three women from the Whistleblowers, Activists and Citizens Alliance faced the Canberra magistrates court on Wednesday.

They have each been charged with intentionally damaging commonwealth property, an offence which carries a maximum penalty of 10 years in prison.

The seven accused all entered pleas of not guilty and were committed to stand trial in the supreme court on 27 February.

The magistrate, Beth Campbell, enjoyed a lighter moment when calling each up to the bench.

"It's a little like graduation day, isn't it?" she said.

The group was among dozens of pro-refugee protesters who disrupted the House of Representatives after refusing to budge from the public gallery.

Two other protesters face less serious charges after abseiling down the front of Parliament House to unfurl a banner the following day.

<https://www.theguardian.com/australia-news/2017/jul/12/pro-refugee-protesters-plead-not-guilty-to-damaging-parliament-house>

10. Manus refugees told to leave detention centre or jeopardise US resettlement

Hundreds of refugees are refusing to leave the Australian-run centre for a new transit centre near Lorengau, saying they fear being attacked in the township

The Guardian
Ben Doherty
Wednesday 5 July 2017 13.17 AEST

Refugees on Manus Island have been warned that their chance for resettlement in the United States will be jeopardised if they resist moves to force them to a new transit centre near the township of Lorengau.

Hundreds of refugees are refusing to leave the Manus detention centre – which is isolated and on the grounds of a military base – saying they do not feel safe in the township and fear being attacked.

In the latest of a series of assaults on refugees and asylum seekers, a Bangladeshi man was allegedly attacked with a machete in Lorengau last month, and his arm hacked so severely he needed to be evacuated to Port Moresby for emergency medical treatment. Advocates say he was robbed of his phone, money and belongings, the fourth violent robbery of a refugee or asylum seeker in the past month.

On Good Friday, the detention centre itself was attacked and refugees and staff shot at by rampaging armed police.

But the closure of the Manus detention centre – ruled illegal and unconstitutional 15 months ago by the Papua New Guinea supreme court – continues: the gym has been closed, generators removed, the canteen destocked and English classes and other activities have been discontinued, while buildings are being progressively shut down and cordoned off.

Refugees have been told if they don't agree to move to the Australian government-built East Lorengau Refugee Transit Centre (ELRTC) on the outskirts of Manus province's main town, their reluctance may be used against them in deciding whether they can resettle in America.

A document posted at the detention centre and headed "Manus Island closes in 123 days", reads: "The Manus RPC will close on 31 October 2017. Refugees should move to the ELRTC without delay. Accommodation at the ELRTC is safe and secure.

"If you refuse to move to the ELRTC or ignore other directions given to you, your failure to cooperate will be noted. US authorities will take your history of behaviour into account when deciding whether to offer you an opportunity to resettle in the US.

"You are expected to cooperate with the closure of the Manus RPC. Illegal behaviour will be reported to the police."

Refugees held on Manus say the centre is being closed around them as another measure to push them out of the centre and to accept resettlement in PNG.

After the proposed US resettlement deal was announced last September, interviews with US government agencies have been undertaken, but no one has been resettled from either of Australia's two offshore islands, Manus or Nauru.

Last week, the US president, Donald Trump, succeeded in having large parts of his proposed travel ban upheld by the supreme court. The ban suspends all refugees without a family connection to America from entering the US for 120 days while vetting proceedings are strengthened. The ban also suspends Iranian nationals, the largest national cohort on Manus and Nauru, from entering the US for 90 days if they don't have links already in the country.

One refugee, who spoke on condition of anonymity for fear of jeopardising his future resettlement prospects, said those held on Manus had lost faith in the US deal.

"We don't believe them when they talk about the American deal. They just say that to make people cooperate. They have lied to us over and over again, and this is just another lie."

A spokesman for the Refugee Action Coalition, Ian Rintoul, said few refugees were voluntarily moving to East Lorengau as they faced danger there.

"The government has no concern for the welfare of the detainees. The attempt to drive them out of the detention centre is being driven by the fact that the contract for running the detention centre ends in October. "The punitive attempt to force them into East Lorengau is also an admission that there is no safe resettlement in PNG."

PNG's immigration authority did not return repeated calls from Guardian Australia for information about the closure of Manus.

As Manus moves towards its enforced closure (the private service providers have refused to bid for further contracts to run the camp) another United Nations body has condemned Australia's offshore detention regime, calling for it to be immediately ended.

The international covenant on economic, social and cultural rights committee, part of the office of the United Nations high commissioner for human rights, issued a statement last week regarding Australia's offshore islands, saying it was "alarmed by the punitive approach taken by [Australia] in recent years toward asylum seekers arriving by boat without a valid visa".

"The committee also remains concerned at the state party's policy of transferring asylum seekers to the regional processing centres for the processing of their claims, despite public reports on the harsh conditions prevailing in those centres, including for children.

"This includes acute isolation, overcrowding, limited access to basic services, including healthcare and education, allegations of sexual abuse by personnel of the service providers, acts of intimidation, taunting and provocation against asylum seekers, as well as reports of repeated incidence of suicide and self-harm among asylum seekers." The committee called on Australia to end its offshore detention policy, close the camps, and bring asylum seekers and refugees to Australia.

Last month, the Australian government settled a class action brought by 700 Manus detainees alleging wrongful imprisonment, and agreed to pay \$70m in compensation for their unlawful detention as well as physical and psychological damage. In settling, the government did not admit any liability.

<https://www.theguardian.com/australia-news/2017/jul/05/manus-refugees-told-to-leave-detention-centre-or-jeopardise-us-resettlement>

11. MEDIA RELEASE: More pressure on Manus refugees to move but nowhere to go

Wednesday July 5, 2017
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

PNG Immigration and Australia's Border Force are stepping up the pressure on Manus refugees and asylum seekers in an effort to force them out of the detention centre.

Detainees are being told that the detention centre will close on 31 October, but they have nowhere safe to go. Only a minority has been interviewed by US officials and none have been told if they have been accepted.

In the last week of June, refugees who had been housed in Foxtrot moved in to the disused IHMS building near Oscar Compound, which has about 10 rooms. They were warned to leave the buildings and on 29 June, PNG immigration began demolishing the building, forcing the people back to Foxtrot.

Now, there are moved to evict refugees who had moved out of Foxtrot to Charlie Compound (also near Oscar compound, photo attached) three weeks ago. They are being told they have to leave Charlie compound or the power will be cut off this Friday, 7 July.

The 10 refugees, from Myanmar, Afghanistan, and Pakistan, moved from Foxtrot when the intending closure was first announced. Charlie had been used as a classroom, but classes stopped as part of the moves to forced people out of the detention centre.

If they are forced out of Charlie they will be homeless.

Border Force is trying to force people with positive refugee determinations to move to East Lorengau, outside the detention centre. But conditions there are no better -- people are hungry, with no activities and no medical or mental health support.

And they live under constant threat of attack. Besides the savage attacks outside, there have been robberies and break-ins even inside the guarded East Lorengau complex.

But PNG immigration and Border Force are running out of time. The current contract with Ferrovial to manage the detention centre finishes in October, but there are no safe resettlement plans for the people on Manus.

Today, Wednesday, 5 July, Australian Border Force officials held a meeting with Pakistani and Afghan refugees pressuring them to move to East Lorengau while there were still rooms there. When it came to this point about moving, the refugees walked out of the meeting, saying, "We won't go to East Lorengau."

The \$70 million pay out they recently won from the Australian government for their illegal imprisonment and physical and mental harm will not buy their future.

"The detainees do not want to stay in PNG," said Ian Rintoul, spokesperson for the Refugee Action Coalition, "There is no resettlement plan and there is no safety. The government is stalling, trying to buy time, trying to save face. The government must bring them here."

Vigils calling for Manus and Nauru to be evacuated are being held around the country in 19 July, the four-year anniversary of Prime Minister Rudd's declaration of the current version of offshore detention. In Sydney, the vigil will be at Hyde Park North, 6pm.

For more information contact Ian Rintoul 0417 275 713

12. Manus Island: asylum seekers 'afraid' to move to transit centre as power, water cuts loom

ABC Radio CAF - PM
By Papua New Guinea correspondent Eric Tlozek
Monday July 10, 2017

Authorities on Manus Island are telling asylum seekers they will shut off power and water to certain accommodation compounds to force people to leave the detention centre and move to transit accommodation in the island's town.

The roughly 800 men still inside the centre do not want to leave, saying they believe Australia will stop providing services for them and that local people on Manus Island will attack them.

One of the men from the centre, Naeem Udin, said they had been told they must move to the East Lorengau Transit Centre.

"Our friends are very worried about that. We already changed a lot of compounds and everyday [they] cut off electricity, it's very hard for us to stay without electricity," he said.

"We can't move [there] because of a lot of other situations.

"Recently one of [the] asylum seekers... their hand [was] chopped by the locals... we are not safe there.

"That's why we can't move transit centres."

Mr Udin said a points system, initially established to reward people for attending classes and participating in physical exercise, might be stopped as a way to put more pressure on them to move to the transit centre.

But he said classes and activities were already being stopped, leaving people inside the detention centres with little to do.

"Everybody's getting bored because there is no classes, no gym — and people do gym for physical and mental health," he said.

"And I know... a lot of people are getting bored.

"They also decreased the food, and all these changes are coming."

The Obama administration made a deal with to take 1,250 refugees from Australia late last year.

Mr Udin said he felt that the US was a "very good option" for himself and the other Manus Island asylum seekers, who were "afraid" to be sent to the East Lorengau centre.

"First of all, we want safety. The United States is a safe country and a safe place for us," he said.

"We are very happy to go to the United States.

"But still we don't know what will happen, and how many [the US will take]."

<http://www.abc.net.au/news/2017-07-10/manus-island-asylum-seekers-afraid-to-leave-detention-centre/8692824>

13. Manus Island detention centre closing down with refugees still inside

Conditions becoming more oppressive in an effort to coerce occupants to move to a transit centre where they don't feel safe

The Guardian
Ben Doherty
Wednesday 5 July 2017 16.29 AEST

The Manus Island detention centre is being shut down around refugees and asylum seekers while they are still living in it.

Refugees inside the centre reported on Wednesday that immigration officials have said they will cut the power from the Charlie compound on Friday, forcing out refugees still living there.

The entire Manus camp is being progressively shut down, with the Australian and Papua New Guinea governments insisting it will be closed and emptied by 31 October.

The gym has been closed, generators removed, the canteen de-stocked and English classes and other activities discontinued, while buildings are being progressively shut down and cordoned off.

Iranian refugee Behrouz Boochani said conditions inside the Manus Island detention centre were becoming steadily more oppressive in an effort to coerce men to accept a move to the Australian-built East Lorengau Refugee Transit Centre (ELRTC) on the outskirts of the Manus province's main town, Lorengau.

"Two weeks ago some other refugees left Foxtrot [compound] and went to the rooms which were part of the old medical clinic but they could not stay there because immigration cut the power and they were homeless for a few days," he said. "Australian immigration is trying to close Foxtrot but without providing any place for the refugees who leave Foxtrot to go.

"When the refugees ask them to find a place for them, they say you must go to East Lorengau camp. East Lorengau is close to the local community and means the refugees would be forced to live in PNG."

Earlier on Wednesday, Guardian Australia reported that refugees on Manus Island have been warned that their chance of resettlement in the United States will be jeopardised if they resist moves to force them to move to the transit centre.

A document posted at the detention centre and headed, "Manus Island closes in 123 days", reads: "The Manus RPC will close on 31 October 2017. Refugees should move to the ELRTC without delay. Accommodation at the ELRTC is safe and secure.

"If you refuse to move to the ELRTC or ignore other directions given to you, your failure to cooperate will be noted. US authorities will take your history of behaviour into account when deciding whether to offer you an opportunity to resettle in the US."

Hundreds of refugees are refusing to leave the Manus detention centre – which is isolated and on the grounds of a military base – saying they do not feel safe in Lorengau and fear being attacked.

In the latest of a series of assaults on refugees and asylum seekers, a Bangladeshi man was allegedly attacked with a machete in Lorengau last month. His arm was hacked so severely he needed to be evacuated to Port Moresby for emergency medical treatment. Advocates say he was robbed of his phone, money and belongings – the fourth violent robbery of a refugee or asylum seeker in the past month.

PNG immigration did not return calls from Guardian Australia.

Greens senator Nick McKim, who recently visited Manus Island and has been in close contact with refugees inside the centre, said those held on Manus were facing an invidious choice.

"They are being bullied, intimidated and smoked out of the centre, despite having nowhere safe to sleep or live in Papua New Guinea," he said. "If the worst happens and violence again flares up, it will be because of the choices [the immigration minister] Peter Dutton has made."

McKim said the conditions on Manus were akin to torture and growing more fraught by the day. He said the government should bring all of those held on the island to Australia.

A committee of the office of the United Nations high commissioner for human rights similarly called for an immediate end to Australia's offshore processing regime, and for all refugees and asylum seekers to be brought to Australia.

<https://www.theguardian.com/australia-news/2017/jul/05/manus-island-detention-centre-closing-down-with-refugees-still-inside>

14. Two Australian citizens wrongly sent to immigration detention, department confirms

Canberra Times
July 5 2017 - 12:26PM
Michael Koziol

Immigration Minister Peter Dutton wrongly sent two Australian citizens to immigration detention, including one who was taken to Christmas Island, his department has confirmed.

The two Australians, one of whom was originally a New Zealander, were taken to immigration detention following their release from prison after committing serious crimes.

One was taken to Christmas Island, while the other was detained onshore, the Immigration Department confirmed. It would not provide further information about the date, length or circumstances of their detention, or the second individual's other nationality.

"Two individuals were detained after their visas were cancelled mandatorily under section 501 of the Migration Act 1958," a department spokesman told Fairfax Media on Tuesday night.

"After it was identified that each individual held dual Australian citizenship, arrangements were immediately made for their release from immigration detention.

"The circumstances surrounding their detention have been reviewed and appropriate safeguards have been implemented."

Under section 501 of the Migration Act, Mr Dutton must cancel a non-citizen's visa if they are serving a full-time jail term of more than 12 months for an offence committed in Australia, or if they have been found guilty of a sexually-based crime involving a child.

It is understood the two cases were not related. It is possible they did not know, or did not recall, that they were Australian citizens at the time of their imprisonment in immigration detention, and internal systems failed to detect their citizenship status.

The case has tinges of the wrongful imprisonment of Cornelia Rau and Vivian Solon. Ms Solon, also an Australian citizen, was wrongly deported to the Philippines in 2001 because immigration officials believed she was an illegal immigrant. She was later compensated to the tune of \$4.5 million.

George Newhouse, the principal lawyer in both those cases, told Fairfax Media this latest error was "the natural consequence of a power grab by a minister who does not want to be held accountable to anyone, and in particular the judges and tribunals".

"This is what happens when you remove all judicial oversight from the executive government," Mr Newhouse said.

"It appears that the minister is up to his neck in this debacle and he needs to take personal responsibility for his decision to falsely imprison two Australian citizens."

"The minister had stated quite publicly he does not want to be constrained by judicial interference and false imprisonment is a direct result."

<http://www.canberratimes.com.au/federal-politics/political-news/two-australian-citizens-wrongly-sent-to-immigration-detention-department-confirms-20170704-gx4rss.html>

15. Border Force illegally sent two Australian citizens to Christmas Island

New Zealand-born men released when error was realised in episode reminiscent of Cornelia Rau and Vivian Solon cases

The Guardian
Ben Doherty
Wednesday 5 July 2017 04.00 AEST

Australian Border Force illegally detained two Australian citizens and sent them to Christmas Island in an episode reminiscent of the Cornelia Rau and Vivian Solon cases of more than a decade ago.

Guardian Australia understands the two men are New Zealand-born but hold dual Australian citizenship.

The government detained the men under section 501 of the Migration Act, which allows for detention and deportation if the minister or a delegate judges that a person who is not a citizen fails the "character test", usually because he or she has committed a criminal offence. When the error was realised the men were released from detention.

Late Tuesday, a spokesman for the immigration department confirmed the unlawful detention, saying "two individuals were detained after their visas were cancelled mandatorily under section 501".

"After it was identified that each individual held dual Australian citizenship, arrangements were immediately made for their release from immigration detention.

"The circumstances surrounding their detention have been reviewed and appropriate safeguards have been implemented."

Border Force has been plagued by controversy since its inception as the "operational arm" of the immigration department in 2015.

In August 2015 it faced spontaneous street demonstrations when it announced a Melbourne operation to stop and interrogate the visa status of "any individual we cross paths with". Border Force cancelled the operation in the face of a public backlash.

This year the Australian National Audit Office condemned Border Force for illegally searching people and homes and found its staff were not properly trained in the use of force.

Border Force also conceded it had failed to respond to allegations of sexual assault and abuse, including of children, in its offshore detention centre on Nauru, and did not disclose this to a parliamentary inquiry.

And it emerged on Monday that the ABF commissioner, Roman Quaedvlieg, is on extended leave and facing an external investigation over allegations of impropriety in a "personal matter" involving a subordinate member of staff and an allegedly irregular promotion with the ABF.

The immigration department was at the centre of two scandals over the wrongful detention and illegal deportation of Australian citizens or permanent residents more than a decade ago.

In 2001 the department deported an Australian citizen, Vivian Alvarez Solon, to the Philippines, because it wrongly assumed she had been trafficked into Australia as a sex slave. The department realised she was an Australian citizen in 2003, and knew it had unlawfully deported her, but did not tell her family, who had reported her as a missing person, until 2005.

In 2004 and 2005 an Australian permanent resident, Cornelia Rau, who was suffering an acute mental health episode, was detained for 10 months, including in prison, by the immigration department, because it failed to follow its own procedures for identifying her.

A subsequent inquiry by the former AFP commissioner Mick Palmer found a “serious cultural problem” within the department. Palmer said the department showed weak leadership, with untrained and incompetent staff given “exceptional, even extraordinary powers” and focused on detaining and deporting people without any concern for due process or checks.

The commonwealth ombudsman further investigated 221 cases of Australian citizens being wrongly and illegally detained by immigration officials. One was illegally detained three times for a total of eight months.

Sweeping changes were made to department processes and oversight for deportation and detention orders but department sources have told Guardian Australia these have been steadily eroded or reversed.

Prof George Newhouse, principal solicitor of the National Justice Project and the lawyer who acted for Rau and Solon, said he had seen lives destroyed by bungling in the department.

“Over a decade ago the Department of Immigration were criticised for acting like a bunch of cowboys because of their failure to implement due process and to make proper investigations – all because they were under pressure to deport people and please their political masters.”

Newhouse said the changes to impose oversight on bureaucratic and ministerial decisions were sensible and had made the process more robust, but these had been rolled back for political purposes.

“It doesn’t surprise me in the slightest if the Turnbull government and Peter Dutton are going back to those bad old days.

“While we don’t know the details of these two new cases,” he said, “whoever they are and whatever they are alleged to have done, they are Australian citizens. To wrongfully detain two citizens on Christmas Island is a worrying sign that the department may be out of control once again.”

<https://www.theguardian.com/australia-news/2017/jul/05/border-force-illegally-sent-two-australian-citizens-to-christmas-island>

16. Australian Border Force chief Roman Quaedvlieg on leave amid investigation

The justice minister, Michael Keenan, confirms Quaedvlieg’s absence from official duties

The Guardian
Christopher Knaus
Monday 3 July 2017 18.59 AEST

The head of the Australian Border Force, Roman Quaedvlieg, has taken leave amid a probe into an undisclosed matter.

The justice minister, Michael Keenan, confirmed Quaedvlieg’s absence from official duties late on Monday.

“The ABF commissioner is on leave. A matter is under consideration by appropriate authorities,” Keenan’s spokeswoman said in a short statement.

The government is making no further statement about the matter.

Quaedvlieg, who has led the border force since its inception in 2015, has been quiet on social media in recent weeks. He last tweeted from the ABF commissioner’s official account on 25 May. Calls to Quaedvlieg on Monday were not returned.

Former department of immigration communications boss Sandi Logan drew attention to Quaedvlieg’s absence in Twitter on Monday.

Logan said Quaedvlieg’s “long absence” arose from an “external investigation into his ‘activities’”.

Logan did not specify the nature of the investigation but called upon the ABF to do so. The ABF did not respond to Guardian Australia’s questions on Monday.

Quaedvlieg, who has a salary of about \$731,000, has been responsible for enforcing the tough border policies of the Coalition. He was considered a candidate for the NSW police commissioner’s position this year but the role was ultimately filled by Mick Fuller.

It is understood Quaedvlieg was keen to fill the position, which would have seen him return to a leading policing role.

Quaedvlieg began his policing career in Queensland but led ACT policing as chief police officer for several years, before joining the ABF. The ABF has been routinely criticised since it was established, chiefly by the National Audit Office.

Earlier this year, the audit office found the ABF was conducting unlawful searches at airports and of people's homes, because many of its officers were not properly trained.

The Australian National Audit Office's report into border force's use of its statutory powers also found that 29% of airport searches examined were unlawful because one or more of the officers involved was not authorised to conduct the search.

There is not presently any suggestion these matters are linked to Quaedvlieg's absence.

<https://www.theguardian.com/australia-news/2017/jul/03/australian-border-force-chief-roman-quaedvlieg-on-leave-amid-investigation>

17. Border Force commissioner Roman Quaedvlieg on leave amid external investigation

ABC News Online

By political reporter Ashlyne McGhee

Monday July 3, 2017

Australia's Border Force commissioner, Roman Quaedvlieg, has gone on leave amid an external investigation.

The Acting Immigration Minister released a short statement, but would not outline any of the specifics of the case.

"The ABF Commissioner is on leave," the statement from Michael Keenan said.

"A matter is under investigation by appropriate authorities.

"There will be no further comment until that process is complete."

The ABC has confirmed it is an external investigation.

The Australian Border Force started operations in 2015 and Mr Quaedvlieg is its inaugural commissioner.

Commissioner Quaedvlieg is a career police officer.

He was previously the chief police officer of ACT Policing, an arm of the Australian Federal Police.

His responsibilities included investigating money laundering, large-scale fraud against the Commonwealth and the management of the Oil-for-Food Taskforce.

<http://www.abc.net.au/news/2017-07-03/border-force-commissioner-on-leave-amid-external-investigation/8674600>

18. George Brandis clears out 'infuriating' Administrative Appeals Tribunal

Canberra Times

June 28 2017 - 1:51PM

Michael Koziol

Attorney-General George Brandis has cleared the decks of the troublesome Administrative Appeals Tribunal, making more than 60 appointments including several people with Liberal Party links.

In recent months the tribunal has been publicly lambasted by senior government ministers, who have questioned the appropriateness of its decisions, particularly on immigration and visa matters.

The job of the independent tribunal is to review administrative decisions, usually made by government departments, on their merits.

Senator Brandis, who made the announcement while in Canada for a cyber-security forum with Five Eyes allies, said more than half of the appointments were members whose terms were renewed.

That leaves about 30 former members who have been axed, including Miriam Holmes, a senior member who controversially overturned a decision to deport taxi driver Jagdeep Singh after he was convicted for sexual assault. Ms Holmes' term on the tribunal expires on June 30.

Among the new appointees is Hollie Hughes, a staffer to former Liberal senator Bill Heffernan who ran in sixth place on the Liberal Senate ticket in NSW last year, after nearly toppling minister Concetta Fierrevanti-Wells for a winnable position.

Ann Brandon-Baker, a former chief-of-staff to Scott Morrison, was promoted from a part-time member to a senior full-time member.

Among those reappointed were Helena Claringbold, a former staffer to Tony Abbott when he was prime minister, and Nicholas McGowan, who contested the seat of Jagajaga for the Liberals in 2013. Their terms were due to expire on Friday.

Senator Brandis plucked David Thomas from the Queensland Supreme Court to take over as AAT president, and also appointed him a judge on the Federal Court.

"Justice Thomas' experience and qualifications make him the right person to lead Australia's merits review tribunal," Senator Brandis said.

The AAT has been attacked over several decisions, including the Singh case and a separate matter where "fake" Iranian refugees who took holidays back to Iran were allowed to keep their protection visas. In both cases, Immigration Minister Peter Dutton later overruled the AAT, as he is allowed to do under the law.

Mr Dutton has labelled some of the AAT's decisions "infuriating", and last month said tribunal members were out of line with community expectations and should be losing sleep over their rulings.

"People who believe that they're above the law, above scrutiny by the public - I think should be the ones that shouldn't rest too well at night," he told Sydney radio station 2GB.

"If people are deciding matters and they aren't meeting community expectations then I don't see why people shouldn't face scrutiny over that."

Controversy over appointments to the AAT is not new, with both Labor and the Coalition attacked for so-called "political appointments" in the past.

<http://www.canberratimes.com.au/federal-politics/political-news/george-brandis-clears-out-infuriating-tribunal-20170628-gx071l.html>

19. Greg Barns: Brandis and Dutton make a mockery of refugee tribunal's 'independence'

Crikey
Jun 29, 2017
Greg Barns
Barrister and writer

On June 1, Crikey ominously reported that Attorney-General George Brandis intended to cull the membership of the Administrative Appeals Tribunal because of a campaign by Immigration Minister Peter Dutton and News Corp newspapers over migration decisions that were unfavourable to the federal government. Twenty-eight days later and Brandis confirmed that report by announcing yesterday 60 appointments and reappointments to the body, which is the independent reviewer of Commonwealth government decisions.

Significantly and disturbingly from the perspective of the AAT's independence, a number of the appointments made by Brandis are former Liberal Party staffers and members. They include former candidates Hollie Hughes and Nicholas McGowan, and former Abbott government staffers Helena Claringbold and Ann Brandon-Baker. Brandis' habit of appointing Liberal Party colleagues to the AAT is not a recently acquired one. Last year, he gave former MPs Russell Matheson and Andrew Nikolic — who lost their seats in the July federal election — roles on the AAT, along with a Liberal Party donor and Brisbane lawyer Theo Tavoularis.

The AAT decides thousands of cases each year in areas such as social security, taxation, intellectual property and workers' and military compensation. But it is its work in the area of immigration that Dutton has relentlessly attacked in recent times. Media outlets such as the Herald Sun, which has run headlines such as "Administrative Appeals Tribunal saves scores murderers, rapists, paedophiles from deportation" and "Tribunal lets fake Iranian refugees stay in Australia", have joined the fray. The AAT reviews decisions by Dutton and his department to refuse applications for asylum and to cancel visas of individuals who have been jailed for 12 months or more as a consequence of committing criminal offences.

It seems Brandis' latest effort to populate the AAT with Liberal Party members and government staffers is designed to erode the independence of the tribunal and has been done in response to pressure by Dutton the News Corp media campaign. This conclusion is fortified by the fact that the AAT member who overturned a recent decision by Dutton to deport Jagdeep Singh — who indecently assaulted a woman — was not reappointed.

It is no exaggeration to say that the political manipulation of the AAT by Brandis is unprecedented for any tribunal or court in Australia. Leaving aside that Brandis' undermining of the independence of the AAT smacks of the sort of conduct one would expect from the first law officer of an authoritarian state, there is the live question of whether asylum seekers and those individuals who have had their visas cancelled because of criminal offences can get a fair hearing if the AAT member hearing the case was appointed yesterday and has strong recent Liberal Party connections.

Or to put it another way. Can it be said that those Liberal Party members and Abbott/Turnbull government staffers appointed by Brandis yesterday will bring to their decision-making in cases involving asylum seekers and criminal offence visa cancellation an impartial mind given the relentless recent campaign by Dutton and his allies in the media?

The issue is one of what is termed apprehended bias. It is not that these former staffers and Liberal Party members might be actually biased, the test is whether a "fair-minded lay observer" might reasonably apprehend that the AAT member might not bring an impartial mind to his or task as decision-maker.

As the University of Adelaide Law School lecturer Anna Olijnyk put in a 2015 article, the apprehended bias doctrine is based on the fundamentally important notion "that judges and other officials — such as tribunal members and royal commissioners — must not only be impartial, but must also appear to be impartial. The rule helps preserve public confidence in the integrity of the justice system."

The conduct of Dutton and organisations like the Herald Sun in recent months, and the abject failure of Brandis to defend the AAT's independence, has created a possible apprehended bias problem for the tribunal.

---->>>> *Greg Barns is a barrister who has appeared for and advised in a number of AAT cases and who is a Spokesman for the Australian Lawyers Alliance.*

<https://www.crikey.com.au/2017/06/29/brandis-and-dutton-make-a-mockery-of-refugee-tribunals-independence/>

20. Richard Ackland: Grenade solutions - The Coalition's legal appointments

The Saturday Paper
Jul 8, 2017
Richard Ackland

Providing cover is as much a political as a military art form, distracting the enemy with a few grenades in one direction while forces scuttle more freely in another.

It doesn't get any more sophisticated in Canberra. Peter Dutton, the immigration minister, has a huge bellyache about how the Administrative Appeals Tribunal is handing out protection and bridging visas to refugees like confetti, while Attorney-General George Brandis from behind the shrubs wheels out a trolley-load of fresh tribunal appointments.

Out with members who had been unfaithful to the government's agenda, specifically on migration and refugee matters, and in with others who bring with them higher expectations of conformity. These include unemployed former Liberal members of parliament, advisers to Liberal politicians, unsuccessful Liberal candidates, lawyers who have acted for the families of Coalition politicians, or just good ol' boys and girls who are Coalition favourites and ideological cohorts.

The AAT is the threshold body that reviews the merits of a vast array of the Commonwealth's administrative decisions — taxation, child support, workers' comp, veterans' entitlements, family assistance, migration and refugee visas, deportations, citizenship, customs, freedom of information, disability, passports, security assessments. You name it, there are more than 400 Commonwealth acts and legislative instruments where the AAT can exercise its quasi-judicial functions.

In February Dutton had a go at Queensland magistrates, declaring for the benefit of 2GB listeners that they are "hopeless left-wing softies" — mostly Labor appointees. "If you appoint civil libertarians to court benches ... you will get soft sentences ... exactly what's happened here."

This outburst followed a bail decision in which an offender was released and then murdered his wife. It was left to the Judicial Conference of Australia to point out that the bail decision had nothing to do with being left-wing or soft or aligned to a political party.

The minister was just warming up. In May, again on 2GB, he announced that the decisions of the AAT were also ideologically motivated.

FULL STORY AT <https://www.thesaturdaypaper.com.au/opinion/topic/2017/07/08/the-coalitions-legal-appointments/14994360004894>

21. Indonesian boy wrongfully jailed in WA adult prison for people smuggling has conviction overturned

Ali Jasmin was 13 when detained by Australian authorities for cooking on a boat carrying asylum seekers

The Guardian
Australian Associated Press
Thursday 29 June 2017 14.31 AEST

A young Indonesian man who served time in a Western Australian adult prison for people smuggling despite being a child at the time has had his conviction overturned.

Ali Jasmin, also known as Ali Yasmin, was a crew member on a boat transporting 55 Afghan asylum seekers and was aged 14 in December 2010 when he was sentenced as an adult to five years in prison.

He was among dozens of Indonesian children prosecuted by Australian authorities between 2010 and 2012 after they were deemed adults using the now-discredited method of wrist x-rays.

In April 2012 the Greens senator Sarah Hanson-Young called for an inquiry into the case, saying a birth certificate showed Jasmin was 13 when first detained by Australian authorities for cooking on a boat.

At the time the then prime minister, Julia Gillard, said she didn't want to see children in Australian jails and was aware claims had been made about a birth certificate but a court had determined that Jasmin was not a minor.

A month later the then attorney general, Nicola Roxon, ordered Jasmin's release from Albany regional prison and he was deported back to Indonesia.

Jasmin then sought to have his conviction quashed, which was allowed in the WA court of appeal on Thursday, with the full bench of judges unanimously agreeing he should be acquitted.

Justices Robert Mazza and Robert Mitchell said it was in the interest of justice to acquit Jasmin rather than order a new trial as there was a real prospect he had been sentenced under the wrong statutory framework.

They said it was "unsafe" that the district court judge who dealt with Jasmin's case had concluded he was 18.

"I am satisfied that a miscarriage of justice ... has occurred," they said. "If the appellant was aged under 18 years when he allegedly committed the offence, the mandatory minimum penalty ... for an adult, did not apply to him, and he should have been sentenced by the children's court."

Jasmin played only a minor role in the people smuggling, they added.

<https://www.theguardian.com/australia-news/2017/jun/29/indonesian-boy-wrongfully-jailed-in-wa-adult-prison-for-people-smuggling-has-conviction-overturned>

22. Ali Jasmin's people smuggling conviction quashed due to 'unreliable' evidence about age

ABC News Online
By Joanna Menagh and Sam Clark
Thursday June 29, 2017

An Indonesian man who was a child when Australia jailed him in an adult prison for people smuggling was the victim of a miscarriage of justice, a WA court has ruled.

The decision to set aside Ali Jasmin's conviction has the potential to set a legal precedent for dozens of other Indonesian children who were wrongfully jailed by Australia between 2008 and 2012.

In a scathing judgement, the Court of Appeal ruled the original judge's decision in accepting that Mr Jasmin was an adult at the time of his arrest was unsafe and constituted a miscarriage of justice.

Mr Jasmin — who is now aged 20 or 21 — was likely to have been only 13 when he was a crew member on the unseaworthy boat, intercepted by the Australian Navy with 55 Afghan citizens on board in December 2009.

He later pleaded guilty to a charge of people smuggling and spent three years in an adult jail, before he was released in May 2012 and sent back to Indonesia.

Prosecutors had relied on a wrist X-ray taken from Mr Jasmin shortly after he was arrested.

The wrist X-ray was then analysed by a Perth radiologist named Dr Low, who determined that Mr Jasmin was likely an adult.

However, the Court of Appeal heard the technique used by Dr Low to determine Mr Jasmin's age was "inappropriate, inaccurate and misleading".

"In truth [Dr Low's] opinion had no acceptable basis in fact or by reference to generally accepted scientific methodology," the president of the Court of Appeal, Justice Michel Buss, said.

"Dr Low's opinion was unsatisfactory and unreliable."

The initial judge had also taken into consideration evidence given in court by Mr Jasmin — who through an interpreter, gave differing dates of birth, including 1990, 1993 and 1996.

But Justice Buss noted a copy of his "verified" birth certificate — which stated he was born in 1996 — was not provided to the court by prosecutors or Mr Jasmin's defence lawyers, despite the fact both parties were in possession of it.

During its hearing, the Appeal Court was also provided with untranslated school records from Indonesia, as well as an affidavit from Mr Jasmin's mother who said he was born in 1996.

Justice Buss said he was satisfied "the primary judge's conclusion that [Mr Jasmin] was at the material time of the age of 18 years is unsafe".

"On the evidence before this court, the conclusion was not reasonably open," he said.

<http://www.abc.net.au/news/2017-06-29/ali-jasmin-conviction-for-people-smuggling-quashed-by-wa-court/8663464>

23. Alleged people smuggler extradited from Indonesia to Australia

Ahmad Zia Alizadah is accused of smuggling more than 200 people on four vessels in 2010, immigration minister Peter Dutton says

The Guardian
Australian Associated Press
Friday 14 July 2017 08.06 AEST

An alleged people smuggler accused of sending more than 200 asylum seekers to Australia has been extradited from Indonesia.

Ahmad Zia Alizadah, reported to be an Afghan national, is the ninth person extradited to face people smuggling charges in Australia since 2008.

On Thursday Australian federal police flew him to Perth where he was expected to face court on Friday on 10 people smuggling offences from 2010.

The immigration minister, Peter Dutton, said Alizadah was alleged to have smuggled more than 200 people on four vessels.

"This is a major operation," he told ABC radio. "It is alleged that he accepted payments of up to \$US10,000 per person."

Alizadah was arrested in 2015 and Dutton said extradition proceedings between countries always took time.

In a joint statement with the foreign minister, Julie Bishop, and the justice minister, Michael Keenan, he said the extradition showed the strength of the relationship between Australian and Indonesian police.

The trio said Indonesian authorities had made a number of arrests for people smuggling offences and Australia appreciated Indonesia's "determined efforts to bring people smugglers to justice".

"In reality, any attempt to reach Australia illegally by boat will fail, and we remain committed to pursuing the criminals organising these people smuggling ventures," the ministers said.

They said it had been more than 1,000 days since a successful people smuggling venture reached Australia.

<https://www.theguardian.com/australia-news/2017/jul/14/alleged-people-smuggler-extradited-indonesia-australia>

24. MEDIA RELEASE: Government turns the screws on Manus refugees

Monday June 26, 2017
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Just days after agreeing to pay Manus asylum seekers and refugees \$70 million in damages for unlawful imprisonment and for physical and psychological damage, the government has stepped its punitive program to forcibly relocate the detainees.

On Friday 23 June, all gym equipment was removed from Mike and Oscar compounds (photos attached). A new notice has announced that Foxtrot Compound will be closed and that asylum seekers should move from Foxtrot to Mike compound (photo attached).

At the same time PNG Immigration and Australian Border Force are trying to force refugees to move out of the detention centre to East Lorengau Transit Accommodation -- a gated complex closer to the Lorengau settlement.

The number of points that people can use in the canteen had already been reduced from 50 to 39. But on Friday night, all canteen items were removed, except for phone cards, pens and cigarettes.

But refugees are fearful of being forced to East Lorengau. On Thursday, a Bangladeshi man had his arm so savagely hacked in a machete attack as he was robbed of his phone, money and belongings, he had to be evacuated for emergency treatment in Port Moresby. Refugees in East Lorengau are vulnerable to such attacks and the attacks on refugees are increasing.

"No one is going to voluntarily move to East Lorengau when they face such danger there. The government has no concern for the welfare of the detainees. The attempt to drive them out the detention centre is being driven by the fact that the contract for running the detention centre ends in October," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"The punitive attempt to force them into East Lorengau is also an admission that there is no resettlement in PNG.

Border Force says that moving from the detention centre to East Lorengau won't interfere with any settlement in the US, but as yet, there is no indication of how many will ever get to the US or how long people will have to wait. The first interviews in Nauru were held seven months ago, and still no-one has gone from Nauru to the US.

On Saturday 24 June, a generator was removed from Foxtrot compound in what could be the first step to cutting the electricity from the compound to increase the pressure on detainees to move out of Foxtrot.

"The government has a duty of care for the people they put on Manus Island. Increasing the punitive measures against them, can only make the already intolerable conditions, even worse," said Rintoul.

"Leaving them in danger is not an alternative. On Good Friday, they were shot at inside the detention centre. Outside the detention centre they are attacked and robbed. The government has also robbed them of four years and their future. They must be brought to Australia."

For more information contact Ian Rintoul 0417 275 7134

25. Manus Island refugee 'needs medical treatment in Australia' after alleged knife attack

Refugee who lives in the immigration detention centre suffered serious injuries when he was allegedly robbed by locals, advocates say

The Guardian
Helen Davidson
Monday 26 June 2017 20.02 AEST

A man who was allegedly attacked with knives during a robbery on Manus Island last week needs to be brought to Australia for medical treatment, advocates have said.

The man, a refugee living at the Australian-run immigration detention centre, suffered serious injuries on Wednesday morning when he was allegedly robbed by some locals, according to the Kurdish-Iranian journalist Behrouz Boochani.

Another man was also robbed at knife-point the same day, and two others were robbed just last month. All four are living in the open detention centre.

"This man was walking in the town and then some men held a knife to his body and asked for his belongings," Boochani said. "When the refugee refused to give his phone to them they attacked his hand with the knife very seriously."

Photographs purported to be of the man's injuries show large deep gashes to his arms.

According to advocates, the man has since been flown to Port Moresby for treatment, but they called for him to be brought to Australia to see a specialist surgeon.

Boochani said the other three men were uninjured, but the four incidents were part of an increasing problem with violence in the community and a lack of protection for refugees.

"The Lorengau town has a small population, but the Australian government is trying to settle people there by force even though Manusian people are afraid of having 800 strange men in their community," said Boochani.

"If anything bad happens to the refugees Australia is responsible."

The Papua New Guinea police regional commander, David Yapu, told Guardian Australia he had not received a report of such an attack.

Boochani suggested many refugees and asylum seekers had stopped reporting incidents to police because they didn't think anything would be done.

Around 80 additional police officers have been stationed on Manus recently, due to the PNG national election.

Tensions in the region have been high, with a number of reported attacks on refugees and asylum seekers by locals, and some on locals by asylum seekers or refugees.

Nine people were injured when navy personnel on a "drunken rampage" opened fire on the processing centre on Good Friday.

The human rights lawyer George Newhouse said the alleged attacks were "extremely worrying" as detainees are moved out of the processing centre ahead of its closure in October. The centre has been partially closed, including some accommodation blocks and gym areas.

Non-refugees in Mike compound have been told to "make space" for refugees moving in from Foxtrot compound.

Refugees are able to settle in the community or move into the East Lorengau transit centre, which is being expanded. However there are still concerns it will not be big enough and that refugees are not safe there.

"It's a shocking irony that people feel safer in detention than they do outside," said Newhouse. "What does that tell you about the conditions on Manus?"

Earlier this month the Australian government agreed to pay more than \$70m to nearly 2,000 men who had been held on Manus, in compensation for illegally detaining them in dangerous conditions.

Newhouse said the Australian government needed to find an alternate place to keep people in the long-term.

"Assuming they aren't going to be brought to Australia, the Australian government is seeking to abandon these vulnerable people in the community on Manus Island," he said.

"As I see it the [short-term] solution is to keep the detention centre open so they can maintain the physical safety of those who don't go to the USA."

The immigration department said the incident was a matter for the PNG government.

<https://www.theguardian.com/australia-news/2017/jun/26/manus-island-refugee-needs-medical-treatment-in-australia-after-alleged-knife-attack>

26. Katharine Murphy: Peter Dutton's dog whistling on citizenship is a dangerous missed opportunity

The minister is intent on stoking divisions when we could be talking about how to bring the Australian community together in all its diversity

The Guardian
Katharine Murphy
Friday 23 June 2017 15.24 AEST

In the event you've been watching the citizenship debate in Canberra with a certain degree of bemusement, wondering precisely what problem the Turnbull government is trying to fix, let's turn the microphone over to the immigration minister, Peter Dutton.

Dutton spoke to the Sydney radio host Ray Hadley on Thursday, as he does every week. Ray wanted to know how people who couldn't speak "the lingo" were able to get their driver's licence. The test is offered in languages other than English.

Dutton thought Ray made a good point. (Does Ray ever make a bad point, I wonder?) The minister navigated through Ray's point by offering an unexceptional observation. People are able to integrate more effectively if they're able to improve their English language over a period of time.

Then the minister offered a more extensive explanation of the rationale for the citizenship overhaul, which is worth putting on the record in full.

"It's a very different period, Ray, from when people came to our country post the second world war in the late 40s, early 50s, there wasn't the support that is available now, people were working in cutting cane or tobacco or working as tilers and whatnot."

"People who are coming to Australia today are coming here to start a new life, they have the ability to learn online, all of the support around improving their English language proficiency, which wasn't there 30 or 40 years ago."

"There are some communities here in Australia, as we've seen in the United Kingdom and elsewhere, where no English is spoken and you know people don't abide by many of the Australian laws."

"Now, I'm saying that that is coming to an end and we want people to speak the English language. We want them to improve their English language over time. We want them to demonstrate that they're adhering to Australian values ..."

After a short interlude in which Dutton characterised Bill Shorten (Labor is opposing the package) as being a puppet of his party's left faction, who were the puppets of the Greens, and out of touch with "what I think is a commonsense approach that would be supported by everyday Australians" we were back again to the English test.

"We are making the test tougher – there's no question about that – but this is the prize of Australian citizenship and when people say, well, you know, you've got foreign fighters, Australian citizens overseas, why do you allow them back?"

"And I think as we've discussed before, they come back because they are entitled to come back under the Australian law and the Australian constitution because they are Australian citizens and that is why it's incredibly important on all of those levels to get this change through the parliament."

You might need a minute to take all those feelings in, so feel free to stop reading for a bit while that settles on you.

Just pretend you are listening to some hold music and when you are ready we can work through his points in turn.

If we take Dutton at his own words, we have:

- • Rationale one: it is easier to learn English now than it was for postwar migrants because of the internet, and "all of the [unspecified] support".
- • Rationale two: not speaking English in "some [unspecified] communities" equates with law breaking.
- • Rationale three: speaking English is a demonstration of adherence to Australian values, ipso facto.
- • Rationale four: a tougher citizenship test would somehow stop foreign fighters coming back to Australia, or perhaps screen out the foreign fighters in the first place – it's not entirely clear.

These arguments, to out it mildly, are more front-bar wisdom than fact.

But the government evidently feels it's on strong political ground with its citizenship foray. In our Guardian Essential poll in late April there was strong support across all voting groups – Coalition, Labor and Greens – for imposing extra hurdles before people are granted Australian citizenship.

The specific proposal Essential asked about at that time was whether people should be put on a probationary visa before being granted citizenship. That idea had 78% support.

We are living in times of acute globalisation fatigue and voters are attuned to issues of sovereignty. Politicians ignore those trends at their peril.

A lot of people with progressive social views and a global outlook are disdainful of patriotism, fancying it the thin edge of the nationalist wedge.

But I'm not disdainful of patriotic feelings. Last November I outlined in some detail the case for inclusive patriotism because we can't ignore the fact that nationalism and nativism and xenophobia is being weaponised by the populist right, both here and around the world. We can't ignore the drumbeat of demagoguery because it is all around us.

So I would welcome a citizenship debate that was about bringing the Australian community together in all its diversity, and welcoming and validating the aspirations of people prepared to complete the hurdles necessary to signing up for Australian citizenship.

Because I love my own country, I'm deeply bonded to my homeland – and because I've had the incredible good fortune to have been born in Australia, a country of prosperity and peace – I can't imagine ever aspiring to be the citizen of another country.

Becoming a citizen of another country feels to me like an unfathomable leap, an unsettling shedding of identity.

So I have nothing but admiration for people who pick up their lives, cross the seas, join a new community, put down roots and dream a different future for themselves and their families – a future in which they have willingly joined a new tribe.

If Peter Dutton was possessed with goodwill, a conversation about fine tuning Australia's citizenship requirements could be an incredibly affirming conversation.

It could be a conversation about how we connect with each other in contemporary Australia.

But the conversation Peter Dutton is intent on having is not an inclusive conversation, framed around commonalities.

It is a binary conversation. It's a conversation framed with a view to stoking divisions and creating the impression that some groups are more welcome than others, and are more worthy than others.

It's more than just an impression: the new English test being proposed is clearly designed to exclude people who don't speak English. One academic this week invoked the white Australia policy to underscore the exclusionary implications of the policy change.

So it's more than just a bit of cheap politics, more dog opera than dog whistle.

The crude "us and them" framing is dangerous, and divisive, and unworthy.

<https://www.theguardian.com/australia-news/2017/jun/23/peter-duttons-dog-whistling-on-citizenship-is-a-dangerous-missed-opportunity>

27. Judge defends independence of courts in wake of Dutton comments

Justice John Logan, who has overturned a deportation order by the minister, says 'political rhetoric' must be resisted by the judiciary

The Guardian
Ben Doherty
Monday 19 June 2017 17.21 AEST

The acting president of the Administrative Appeals Tribunal has overturned a deportation order by Peter Dutton for the second time, saying independent courts would not be swayed by political pressure.

In a decision on the case of Indian national Jagdeep Singh on Friday, Justice John Logan defended the independence of the AAT, whose decisions have been publicly criticised by the minister for several weeks.

"Any member [of the tribunal] who allowed himself or herself to be persuaded as to an outcome by partisan or political rhetoric by a minister, any other administrator or the popular press would be unworthy of the trust and confidence placed in him or her," Logan said.

The attacks on the AAT are viewed by many in the legal fraternity as part of a broader assault on judicial officers, and the unfettered operation of the justice system.

Unrelated to the AAT, three other federal government ministers – Alan Tudge, Greg Hunt, and Michael Sukkar – are facing potential contempt of court charges over comments about decisions of Victorian courts in terror cases.

The three ministers have expressed "regret" for their comments, but refused to apologise.

After pleading guilty to a 2015 indecent assault, Singh had his visa cancelled by the immigration department on character grounds. The AAT overturned that decision on psychological grounds, before Singh's visa was again cancelled at ministerial discretion, and he was taken into immigration detention.

On Friday, Logan set aside Dutton's decision, granting Singh a bridging visa so that he could organise his departure with his family and leave the country voluntarily. Singh has agreed to leave Australia by the end of July.

But Dutton has reportedly intervened again: again cancelling Singh's visa following Friday's decision. Singh is understood to be back in immigration detention, but the minister's department has declined to confirm this.

In making his decision, Logan criticised government interference in the case and said the independence of the tribunal was paramount.

"Mr Singh's case and the minister's personal involvement, in recent times, have attracted publicity in the popular press ... certain features of the conduct of the minister's department in relation to this review cannot pass unremarked."

The judge said his decision would not be swayed by public or political pressure. Independent courts and tribunals acted as "checks on the exercise of arbitrary power" and resisting government pressure "may call at times for singular moral courage and depth of character".

Judicial members of the AAT are appointed to the tribunal for set periods, but enjoy tenure as judges. Other members are appointed for terms of two, three or five years. Recently, the appointments of more than 50 AAT members were not renewed, in a move that was perceived as an attack on the tribunal over decisions the government did not agree with.

Decisions of the AAT have been openly criticised by Dutton.

The AAT assessed 11,300 visa decisions in the year to April, overturning 39% of decisions by delegates of the minister. He said it was "frustration" he was overruled, and suggested some decisions were politically influenced.

"When you look at some of the judgements that are made, the sentences that are handed down it's always interested to go back to have a look at the appointments of the particular Labor government of the day."

"The tribunal will look at these cases and it will come down to the... professional judgement of some people within the AAT and obviously those appointments are made by the government of the day."

Dutton was speaking about the Singh case and an unrelated AAT decision to grant refugee status to six Iranians which had attracted criticism in News Corp newspapers. Neither the AAT, nor News Corp, has published the full decisions.

A citizenship reform bill before parliament would give the immigration minister unchallengeable powers to overrule AAT decisions on citizenship. The bill would also remove the right for an applicant to appeal to the AAT where the minister has refused them citizenship "in the public interest".

Dutton has the personal authority to cancel a visa on character grounds which cannot be challenged by the AAT, unlike departmental decisions.

Greg Barns, spokesman for the Australian Lawyers Alliances and a barrister who has appeared in a number of immigration cases, said Justice Logan's comments were a welcome defence of the independence of court and tribunals.

"The comments made by Justice Logan should be welcomed by all Australians because the robust independence of the courts and tribunals of this nation is a critical component of democracy. The attacks by media outlets, minister Dutton and other politicians on the AAT and the judiciary generally are deeply concerning.

"Minister Dutton in particular appears to be suggesting the executive arm of government should simply ignore decisions of courts and tribunals where it does not suit his political agenda."

Emily Howie, director of legal advocacy with the Human Rights Law Centre, said courts and tribunals must be free to make independent decisions free from political interference.

"Neither politicians nor the government are above the law. Yet there is a concerning trend emerging of some politicians going too far and attacking the courts and tribunals that protect us from the abuse of political power. We need to defend the independence of the judiciary and the separation of powers as non-negotiable foundation of our democracy."

<https://www.theguardian.com/australia-news/2017/jun/19/judge-defends-independence-of-courts-in-wake-of-dutton-comments>

28. Other countries must take more refugees, immigration boss Michael Pezzullo says

Immigration department secretary says people smuggling can only be addressed if more nations match Australia's refugee intake.

The Guardian
Australian Associated Press
Tuesday 20 June 2017 08.04 AEST

The immigration boss Michael Pezzullo has urged world leaders to increase their refugee intakes and stressed the need to rip apart international people-smuggling rings "piece by piece".

Australia will boost its annual refugee intake to 18,750 in 2018-19, and is ranked third behind the US and Canada in terms of refugees resettled through the UNHCR.

The secretary of the Department of Immigration and Border Protection said Australia was showing strong leadership on the issue, and other countries needed to step up.

"Unless countries are willing to put those sorts of numbers and more on the table, people will take the boats, people will seek the services of smugglers and traffickers," Pezzullo told the Crawford Australian leadership forum in Canberra on Monday evening.

"But that is to be avoided – almost as a moral imperative – at all costs."

Pezzullo steered clear of questions about whether Australia should further expand its own refugee intake.

But he said there were fewer than 100,000 places available in the US, Canada and Australia combined, while there were 1 million "resettlement-ready" refugees around the world.

"Globally, something has to happen ... the rest of the world needs to step up on the permanent [refugee resettlement] side," he said.

Pezzullo also stressed the need to crush people-smuggling operations, comparing them to terrorist organisations and networks of insurgents.

"You've got to destroy the smugglers' model, you've got to absolutely rip it apart," he said. "It's not about simply pushing them off into another theatre, this will need concerted global action."

But it was impossible for countries to simply militarise or arrest their way out of the people-smuggling problem, and creating safe refugee resettlement pathways was also critical, Pezzullo said.

There are more than 65 million displaced people across the world, roughly 40 million of whom are within their own countries.

Australia has taken 12,000 refugees from Syria in addition to the current annual humanitarian intake of 13,750, while implementing boat turnbacks and incarcerating asylum seekers who try to reach Australia by boat on Nauru and on Manus Island.

<https://www.theguardian.com/australia-news/2017/jun/20/other-countries-must-take-more-refugees-immigration-boss-michael-pezzullo-says>

29. MEDIA RELEASE: Teachers and students wear red on World Refugee Day

Tuesday June 20, 2017
Ian Rintoul, Refugee Action Coalition
for Mark Goudkamp 0422 078 376 | Julie Ross 0459 805 617
#WearRedForRefugees
#EducationNotDetention
#CloseTheCamps
#BringThemHere

For Refugee Week, teachers and support staff across NSW, backed by the NSW Teachers Federation, are "Wearing Red For Refugees".

<https://www.nswtf.org.au/news/2017/06/14/wear-red-on-june-20-to-support-refugee-week-action.html>

Today, on World Refugee Day, dozens of schools will hold "Wear Red" mufti days to raise awareness of (and encourage action about) the global refugee situation and Australia's stingy and appalling record.

The UNHCR said today that total number of people displaced from their homes is at a record 66 million.

In many schools, group photos with the slogans #EducationNotDetention, #CloseTheCamps & #BringThemHere will be taken and tweeted to Malcolm Turnbull, and red Teachers for Refugees wristbands with the same messages will be worn.

<https://www.facebook.com/events/180920619098543/>

Mark Goudkamp from Teachers for Refugees whose multicultural school held a mufti yesterday, said: "The UNHCR, which has over 24 million refugees under its care, receives pitiful levels of funding from developed countries like Australia. Yet Turnbull and Dutton happily pay hundreds of millions of dollars a year to a multinational detention company and the PNG and Nauru governments to keep a couple of thousand refugees in misery.

"Last week, the Australian government reluctantly agreed to a \$70 million settlement to Manus Island refugees and asylum seekers for their four years of unlawful (and inhumane) detention. But no amount of money can compensate for what they've been through. The refugees must be brought to Australia now."

Fellow Teachers for Refugees activist, Julie Ross, said, "There are still 50 refugee children on Nauru who've been in limbo for four years. They've lacked adequate access to education, and have nowhere safe to play and grow up with dignity. It's a crime that the lives of these kids and their parents are being destroyed by a cruel policy implemented by immigration ministers -- first Scott Morrison and then Peter Dutton."

For further comment, call Mark Goudkamp 0422 078 376 or Julie Ross 0459 805 617

#WearRedForRefugees #EducationNotDetention #CloseTheCamps #BringThemHere

30. Iranian asylum seeker Mojgan Shamsalipoor faces deportation after visa denied

Lawyers for Brisbane woman – whose campaign was supported by ministers and fellow former pupils – say decision will 'rip her away' from her husband

The Guardian
Naaman Zhou
Tuesday 20 June 2017 17.52 AEST

Iranian asylum seeker Mojgan Shamsalipoor has been given six months to leave Australia despite a long-running national campaign for immigration minister Peter Dutton to intervene and allow her to remain in Brisbane.

The former Yeronga state high school student had her application for a partner visa rejected by the Department of Immigration and Border Protection on Wednesday, in a decision her lawyers said would "rip her away" from her husband, Milad Jafari, and her community.

Shamsalipoor fled Iran aged 17 after an alleged rape by her stepfather and a forced marriage to a 60-year-old man, but has consistently been denied refugee status by the government.

In July last year, Queensland state minister Mark Bailey urged Dutton to "open his heart" and free Shamsalipoor from immigration detention. Students from Yeronga high school in Brisbane also rallied in support amidst a national campaign that saw her appear on the ABC's Australian Story.

In September, she was released from two years of immigration detention and granted a bridging visa, with a three-month extension granted in March.

But Shamsalipoor received news last Wednesday that her application for a partner visa to remain with her Australian-resident husband had been rejected and "finally determined".

Her lawyers said she would face persecution and imprisonment upon her return. They said: "This decision would see her ripped away from her husband and community and sent back to the country where she was horrifically violated and subjected to appalling domestic violence."

Her husband, Milad Jafari, told Guardian Australia Shamsalipoor had been volunteering to help Brisbane's homeless and was planning to become a midwife.

He said: "All I am hoping for in this world is to live normally with my wife and just have certainty for her to stay in Australia.

"She just wants to contribute in Australian society. She loves Australia so much, she's been here for five years, she calls it her home. She's a very kind person who wants her rights to be defended, not destroyed."

The asylum seeker has been described by her former deputy principal, Jessica Walker, as a “valued member of the Brisbane community” who has spent her whole adult life in Australia.

Shamsalipoor was months away from graduation when she was removed from school and placed in immigration detention in Darwin. She wrote in March that living in Australia had “rebuilt her life” and that she would be subject to torture in Iran.

“Back in Iran, my stepfather did one of the worse things you can do to a girl. He took my innocence by force ... I'd rather die than return to Iran. It's better to die, even aged 23, than to return to torture over there.

“The beautiful Brisbane community which welcomed me with open arms over the last five years has helped me to rebuild my life. I've had two jobs and am completing a certificate in health studies. My pledge to Minister Dutton is to spend every day of the rest of my life giving back to my community in Brisbane.

“Please let me have peace and experience true freedom for the first time in my life.”

She and her husband are planning to speak out against the decision at a protest organised for World Refugee Day on Saturday.

“We think this was a very unfair decision,” said Jafari. “They had no reason there, they just said they did not wish to intervene. The only thing that came to my mind was that they are using us as their political tool.

“I don't want my family to be destroyed because of political reasons. I just want to ask people who are supporting us to write letters to their parliamentary members, because they know this is not fair.

“I'm going to fight for my wife's rights, and no matter what happens, they know that my wife is a genuine refugee.”

<https://www.theguardian.com/australia-news/2017/jun/20/iranian-asylum-seeker-mojgan-shamsalipoor-faces-deportation-after-visa-denied>

31. Australia's refugee capital 'shows what the country can do'

Fairfield in Sydney's west has resettled roughly half of all humanitarian migrants to arrive in the past 10 years. ‘We'll always open our arms,’ its mayor says

The Guardian
Ben Doherty
Friday 23 June 2017 04.00 AEST

The success of the city that has accepted more refugees than any other in Australia shows the country can, and should, resettle more refugees, the New South Wales resettlement tsar Dr Peter Shergold has said.

Of all city councils, Fairfield, in Sydney's west, resettles the largest number of humanitarian migrants to Australia. In the past five years, it has resettled nearly 12,000 – more than three times the number of any other NSW local government area.

And in the past 18 months, Fairfield has seen a 500% increase in the resettlement rate, accepting more than 7,000 humanitarian migrants, including several thousand of those brought to Australia from Iraq and Syria under the federal government's additional settlement program.

Speaking at the launch of the Fairfield city settlement action plan, Shergold, the NSW coordinator general for refugee resettlement, said the city had offered not only “sanctuary ... but opportunity”.

“I'm proud of the fact we are a nation that's taken in more than 500,000 refugees, wave after wave, since the second world war.

“We've made a success of it, and we can make a success of it again ... we can show this is eminently doable. This is not hard, Australia can do this and by doing it, gain benefit. That establishes not just pride, but a strong foundation to say, ‘We can take more refugees.’”

But Shergold, formerly the head of Australia's public service, said Australian governments, councils and communities needed to recognise that the refugee resettlement task began, rather than ended, with refugees arriving in Australia.

“Our responsibility does not stop at the moment we say, ‘Welcome to Australia, you're here’ – that's just the start. The challenge we face is how we help refugees to help themselves, because that's what they want.

“What do you want if you're a refugee? You want to be self-reliant. And our job is to help make that possible and, in doing so, to help refugees, as they have done, generation after generation, give back to our nation.

“Once we’ve accepted them, we’ve got to do our utmost to help them, to help them integrate into our multicultural society, to help get their children through our education system, and to help their adults find an Australian job.”

Shergold said NSW would continue to take “more than our fair share” of refugees, likely to be between 10,000 and 11,000 this year, and between 6,000 and 8,000 in 2018.

“These are not huge amounts, this is entirely manageable with the kind of planning being done here in Fairfield,” Shergold said.

Fairfield’s mayor, Frank Carbone, said the city would continue to welcome more refugees: “Our community has told us they are willing to open their arms, open their hearts and open their homes.

“Because we’ve walked the road before, we understand the challenges refugees face, but we understand the benefits too.”

But Carbone vociferously repeated his call that the city needed greater support from governments, state and federal, to assist in resettling humanitarian migrants. He said Fairfield had an unemployment rate nearly twice the national average – at 9% – and needed further health, education and employment infrastructure.

He said 7,000 people – equivalent to a new suburb – had been transplanted to his city in a year and a half, without sufficient support.

“We’re very disappointed with the government’s budget ... my community says to me, ‘We don’t mind refugees coming to our city, we’ll always open our arms and we’ll take as many as are available but we are disappointed that the government is not providing the infrastructure, we need to make sure our whole community is not impacted.’

“More needs to be provided to make sure that resettlement is done well.”

Fairfield city’s settlement action plan outlines eight key actions to assist refugees building a new life, centred on health, housing, education and employment.

In September 2015, the then prime minister, Tony Abbott, announced Australia would resettle 12,000 refugees displaced by conflict in Iraq and Syria in an intake additional to Australia’s annual humanitarian quota (now 13,750 visas a year but set to rise to 18,750 by 2018-19).

That additional quota has been filled, with the majority of refugees settling in NSW, and the majority of those in Fairfield.

After a slow beginning – during which Australia’s program was outstripped by similar additional intakes by the US and Canada – the resettlement program has been largely lauded as a success.

But there are lingering concerns about an apparent preference for Christian refugees. Christians do face persecution in Iraq and Syria – large numbers of Christians have fled both countries – but Muslims, particularly ethnic or sectarian minorities, also face severe persecution and are a much larger population.

Statistics released under freedom of information show that 78% of those resettled from Syria and Iraq between July 2015 and January 2017 identified as Christian.

Christians are less than 0.1% of the Iraqi population and 10% of the Syrian. And Australia’s intake is disproportionate too, to the presence of Christians among the region’s displaced. The United Nations high commissioner for refugees estimates the number of Christian refugees from Iraq at 15%, from Syria it is less than 1%.

Fairfield’s settlement plan was unveiled during Refugee Week, as the UN’s refugee agency released its 2016 Global Trends Report showing that 65.6 million people were displaced worldwide at the end of last year, the highest number in history.

Every minute in 2016 20 people were forced from their homes, the UNHCR said.

Fifty-one per cent of the world’s refugees are children, and 84% of refugees – those forcibly displaced over a national border – are hosted by developing countries, usually close to the one they’ve been forced to leave.

More than half of the world’s refugees came from just three countries: Syria (5.5 million), Afghanistan (2.5 million) and South Sudan (1.4 million).

Australia’s immigration department secretary, Mike Pezzullo, said this week more countries needed to contribute to third-country resettlement of refugees.

He said there were fewer than 100,000 places available in the US, Canada and Australia combined, while there were 1 million “resettlement-ready” refugees around the world. Fewer than 1% of refugees are resettled in a third country in any year.

“Globally, something has to happen,” Pezzullo said, “the rest of the world needs to step up on the permanent [refugee resettlement] side.”

It is countries nearby to conflict and persecution – often themselves facing development challenges, conflict and ill-equipped to host additional populations – that house by far the largest number of refugees.

Turkey now accommodates 2.9 million refugees, Pakistan 1.4 million, and Lebanon 1 million.

<https://www.theguardian.com/australia-news/2017/jun/23/australias-refugee-capital-shows-what-the-country-can-do>

32. 'We have nothing to live for': anguish of family split by detention system

Iranian man tells of his struggle to care for troubled teenage son on Nauru after wife and daughter taken to Australia for medical treatment

The Guardian

David Ross and Ben Doherty

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A refugee family cleaved apart by Australia’s offshore detention regime say their lives have been destroyed by being forcibly separated for more than three years with no prospect of being reunited.

Jalal – not his real name, but a pseudonym to protect family members – is an Arab-Iranian asylum seeker who has been stranded with his son on the island of Nauru since they were transferred from Christmas Island three and a half years ago.

But his wife and daughter, initially sent with them to Nauru, have been in Australia since 2014, for treatment for a serious heart condition and for breast lumps respectively.

Jalal has not been allowed to see his wife and daughter since they were taken from Nauru to Australia.

Every member of the family has been formally recognised as a refugee, as defined by having a well-founded fear of persecution in their homeland and cannot be returned there. But there is no indication of when or where they might be reunited.

Jalal’s son Mansur, a child when he was taken to Nauru and now aged 19, has been diagnosed with schizophrenia. His father says it is the result of the trauma of fleeing Iran, the family’s midnight deportation to Nauru, and the sudden separation from his mother and sister.

Mansur has tried to kill himself several times, has developed an eating disorder and regularly absconds from Nauru’s processing centre to sleep in the strip-mined middle of the island.

“Immigration destroyed our family,” Jalal told the Guardian from Nauru. “We are not a family any more.

“It’s torture to make us live far away from our family. We have nothing to live for.”

He said his son had formerly been an outgoing and confident child – captain of his school in Iran – before the family had been forced to flee violence in the country’s south-eastern, largely Arab province of Khuzestan.

“I thought he used to go to the market, but he used to sleep in the forest. He told me ‘Dad, I don’t want to see people’.”

Jalal said camp authorities and doctors had not properly explained or treated his son’s condition. Instead, Mansur had been placed on “whiskey watch” – a surveillance reserved for refugees believed to be a danger to themselves or others.

“Now they’re watching him because they know he tried to kill himself, they put a guard to watch him because they know. All he wants was to be with his mum and sister to get their support.”

Several doctors and psychiatrists who have treated Mansur on Nauru have recommended he be transferred to Australia for treatment and to be reunited with his mother, but these have been rejected.

The Australian government has a policy that it will “only approve medical transfers to Australia if refugees or asylum seekers are likely to face permanent disability or death”.

But the family’s enforced and indefinite separation has caused Mansur permanent harm, his father said.

“When his mother and sister left he had a lot of worry, he stopped eating until he weighed 39kg,” Jalal said of Mansur. “They told him that if he ate they would take him to Australia.”

Father and son continue to live in a tent in the immigration centre on Nauru, with a guard posted outside monitoring for any attempt at suicide.

“My son doesn’t like the tents, they’re full of rats and cockroaches,” Jalal said, adding that Mansur spent long periods hiding in a tree in the detention centre, refusing to eat anything or speak to anyone.

International Health and Medical Services, the private contractor responsible for the healthcare of the detainees, has placed Mansur in confinement several times to monitor him and ensure he is eating. Each time he is discharged back to his tent, however, he refuses to eat, and absconds from the centre, and from care, into the empty areas on the island.

Sleeping in the rocky centre of the island has left Mansur’s skin burned by phosphorous dust, with multiple bacterial infections on his legs which form abscesses, described by Jalal as “rotten pimples that eat him from the inside”.

Jalal has little faith in the proposed deal with the US for refugees from Australia’s offshore immigration camps to be resettled in America. Interviews for the proposed resettlement have been taking place, conducted by the US departments of homeland security and state, but no one has yet been resettled. There is no certainty around how many, if any, refugees will be taken.

“Everything we have heard about America is a lie,” Jalal said. “They said to me until your family comes back to Nauru there is no solution for you.”

The Guardian put a series of questions regarding family separations to the Department of Immigration. Officials directed the Guardian to comments from department secretary Mike Pezzullo before Senate estimates in May.

Pezzullo said for people moved from offshore processing to Australia for medical treatment, there would be a “general expectation” they would returned offshore once their treatment was complete. He said refugees hoping to be resettled in the US would be expected to go back to Nauru or Manus Island first.

“If there is a particular vulnerability, or for compassionate reasons ... I can see there could be a circumstance where the minister or the minister’s delegate might allow them to come to a different view.”

Pezzullo did not address the issue of families being separated, either temporarily or permanently.

Ian Rintoul, spokesman for the Refugee Action Coalition, told the Guardian the deliberate separation of families was a common, but hidden, aspect of the offshore detention.

“Husbands and wives are separated from each other, parents separated from their children, brothers from sisters, fathers from their new babies, for no reason. The separations themselves, so often for medical reasons, have created further mental anguish.”

Rintoul said forcing families apart for months, even years, was deliberately punitive.

“Family members are essentially being held as hostages on Nauru. In many cases the government has maintained the separation to try and force people to back to go back Nauru, although there is no future for them there.

“Some families have declined to be interviewed for resettlement in the US, because their families are in Australia. For them the US deal is only a recipe for being permanently separated from their family.”

Jalal said his son’s condition deteriorates daily, away from his mother and sister, and without hope for his future.

“All I want to do is to join my family, I want them to be treated, I don’t want anything else.”

<https://www.theguardian.com/world/2017/jun/20/we-have-nothing-to-live-for-anguish-of-family-split-by-detention-system>