

Project SafeCom News and Updates

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1. The Age EDITORIAL: Eyes wide shut to suffering

The Age
Editorial
August 12 2017 - 8:00PM

We have looked away. We have refused to acknowledge what is being done in our name. It is too hard, too far removed, too inconsequential to our lives.

Collectively, as a nation, we have accepted the suffering of some 2000 asylum seekers on Manus Island and Nauru as a shield against the boats.

These people and their perpetual misery have become our warning. Do not come here or you will suffer their fate.

It is a political solution to a policy conundrum that is so complex, that – to our enduring shame – simple torture has been grasped as the only solution. And let us be clear, we can no longer pretend that the years of detention in squalid, inhumane conditions – bereft of hope – is anything other than torture.

Amnesty International and UN reports in the past two years have said as much.

And last week, another refugee died. His name was Hamed Shamshiripour, a 31-year-old Iranian. He was found on Monday near the Refugee Transit Centre in East Lorengau. He was the fifth man to die under Australia's supervision on Manus Island. Confusion still surrounds his death.

But Canberra has washed its hands of him. Canberra has washed its hand of all of those detained on Manus and Nauru.

The Coalition and Labor have abrogated responsibility, shifting blame to poor regional nations, and to the very asylum seekers who sought freedom from persecution in their homelands. Australia's problem has instead been hidden away for years in Third World jails and camps.

The "illegals" have been detained in countries where they are unwelcome, where their presence has sparked unrest, mass violence and death.

A people-swap deal with the United States offers some of them the only glimmer of hope. But there is uncertainty whether it will go ahead.

So they wait. But their time, on Manus especially, is running out. The detention centre will close completely by the end of October after the PNG Supreme Court ruled it unconstitutional. Health services are winding down. Finding beds for the 800 men is proving difficult.

As The Age has reported throughout the year, there are "simmering tensions on multiple fronts" on Manus. And they are building.

On Monday, the advocacy group Doctors for Refugees said Hamed Shamshiripour's death was "another preventable tragedy", and represented the escalating danger for refugees as facilities on the island progressively closed.

"The Australian government must act to protect these innocent men," the group's president Barri Phatarfod said.

The Sunday Age agrees. Australia can no longer look away. The argument that compassion will open the floodgates to people smugglers is false. How is offering sanctuary in America for 1250 refugees any different from allowing them to live productive lives in Australia?

It is time now for Australia to end this barbarity.

<http://www.theage.com.au/comment/the-age-editorial/eyes-wide-shut--to-suffering-20170812-gxuwhh>

2. Gillian Triggs labels Turnbull government 'disgraceful', accuses it of peddling 'alternative facts'

Sydney Morning Herald
August 23 2017 - 4:48PM
Eryk Bagshaw

Gillian Triggs has unloaded on the Turnbull government, labelling its actions "disgraceful", and accusing it of abusing executive power and manipulating the truth.

In her first public speech since stepping down as president of the Australian Human Rights Commission in July, Professor Triggs attacked Coalition government ministers for interfering with the judicial system and for destroying the integrity of Parliament by peddling "alternative facts".

"A culture of post-truth has allowed politicians and Parliament to reject evidence based reports by credible agencies in favour of populist decision-making that denies the truth and responds to fear," she told UNSW's Power to Persuade symposium in Canberra on Wednesday.

"This is particularly the case in relation to refugees, asylum seekers, terrorism, and conflict matters in general," she said.

Professor Triggs said Australia was setting itself to re-enact a version of George Orwell's dystopian novel 1984.

"You'll remember when the party oligarch says to the hero: 'reality is not external, reality exists in the human mind and nowhere else, whatever the party holds to be truth is the truth'," she said.

"I think we are coming closer and closer to that every day as the truth is manipulated in the interests of party politics."

Now a University of Melbourne academic, Professor Triggs also referred to the Turnbull government's "extraordinary and unprecedented growth in executive decision-making contrary to the principles of the separation of powers".

She alluded to the enhanced remit of the Immigration Minister and the newly created Home Office before taking aim at three ministers who faced contempt of court charges for describing terrorism sentencing in Victoria as "weak".

"We have ministers now with non-compellable and non-reviewable purposes that are not subject to review by the courts," she said. "We have seen a corresponding diminution in the role of the courts, as a lawyer that is something that I am especially concerned about."

The speech is the latest in a long line of public interjections from Professor Triggs, who frequently clashed with Attorney-General George Brandis and Immigration Minister Peter Dutton during her five-year tenure after she initiated the Forgotten Children Inquiry into Australia's immigration system.

She said criticism of her by the government, which accused her of bias for not launching the inquiry when Labor was in power and children were being detained, was "incredibly disappointing".

"I think this was a powerful, credible report that was denigrated by the government," she said, adding that the report covered Labor's time in power and they did not respond with an attack on the report's integrity.

Professor Triggs said she was complimented by the Swiss Human Rights Commissioner on the uniqueness of the findings.

"I thought no other county in the world does this to children, so of course there is no other report like it," she said.

She said false allegations launched by Turnbull cabinet ministers that humanitarian group Save the Children were encouraging detainees to self-harm to get public sympathy, was "a disgraceful thing to do," and allowed for the amendments to the 2015 Australian Border Force Act to prevent medical professionals and teachers from speaking out on conditions in detention centres.

The secrecy provisions were quietly abandoned by Mr Dutton last week in the face of court challenges.

Professor Triggs argued provisions that prevent public servants from speaking out against the government also needed to be amended to help counter the problem of political insiders and advisors who get preselection without experiencing the workforce outside of Canberra.

She said public servants needed to counteract this narrative by being "eternally vigilant in maintaining their tradition of frank and fearless advice based on evidence".

<http://www.smh.com.au/federal-politics/political-news/gillian-triggs-labels-turnbull-government-disgraceful-accuses-it-of-peddling-alternative-facts-20170823-gy29zp.html>

3. Computers replace humans in assessing danger of inmates in immigration detention

Canberra Times
August 27 2017 - 12:15AM
Eryk Bagshaw & Michael Koziol

A computer algorithm has replaced humans to assess the security risk of asylum seekers, criminals and visa overstayers in Australian immigration detention centres.

The new Security Risk Assessment Tool, designed to assess "individuals who are considered to pose an unacceptable risk to the community", was quietly rolled out in September.

A spokeswoman for the Department of Immigration and Border Protection said the SRAT was guided by the detainee's behaviour both during and prior to detention, any signs of violent or aggressive behaviour and their known associations.

"It also considers a each detainee's individual circumstances including age and health," she said.

"As a result of these and other changes there has been a significant decrease in incidents in detention including assaults and self-harm."

But the former president of the Australian Human Rights Commission, Gillian Triggs, has accused the department of abandoning professional judgment.

She said she was first made aware of the program when she visited the Yongah Hill detention centre in Western Australia earlier this year.

"I could hardly believe my ears," she told UNSW's Power to Persuade conference in Canberra this week. "The use of an algorithm to replace professional judgements – I thought this can't be true, I must be back in 1984."

After referencing George Orwell's dystopian novel, she said an algorithm was never going to make up for a human's discretion.

"They pump in statistical details and out comes a response that dictates whether they are in a high-security area or whether they are allowed certain privileges within the detention centre," she said.

For example, an inmate's risk rating determines which facility they are sent to, and whether they require mechanical constraints to attend medical appointments.

In January, the Turnbull government announced a \$27.4 million upgrade to Yongah Hill, a 250-person detention centre 90 kilometres east of Perth, to turn it into a high-security centre that would house high-risk foreigners.

In a submission for the centre's upgrade, the department argued it would be used to house "the growing number of the detention population have had their visas cancelled on character grounds, due to criminal convictions and links to organised crime or outlaw motorcycle gangs."

The SRAT has now been rolled out across the 13 detention centres in the immigration network, including Villawood in Sydney and Maribyrnong in Melbourne.

Department figures showed there were 1262 people in immigration detention as of June 30, including 281 people on Christmas Island (but excluding those held offshore on Manus Island and Nauru).

Of the 1262 inmates, 450 were criminals who had their visas cancelled, 342 were asylum seekers who arrived by boat, and 470 were in other categories.

Natasha Blucher, detention rights advocate at the Asylum Seeker Resource Centre, said the risk assessment algorithm was "very black and white", and a high-risk rating could rarely be challenged or undone.

"The big problem with it is that it's based on incident reports in immigration detention as well as history," she said. "They don't take into consideration people's mental health."

<http://www.canberratimes.com.au/federal-politics/political-news/computers-replace-humans-in-assessing-danger-of-inmates-in-immigration-detention-20170825-gy4i19.html>

4. Federal government to launch crackdown on asylum seekers

The Age
August 27 2017 - 2:50AM
Richard Baker, Nick McKenzie

The Turnbull government will on Monday effectively throw up to 100 Australia-based asylum seekers onto the street by immediately cutting their income support and giving them three weeks to find a place to live.

The drastic move is revealed in leaked government documents that show the Department of Immigration and Border Protection will issue dozens of asylum seekers – possibly including a pregnant woman – transferred to Australia from offshore detention for medical reasons with a new visa known as the "final departure Bridging E Visa".

Under the new visa conditions, income support of about \$200 a fortnight will cease on Monday and a three-week deadline to move out of government-supported accommodation will be imposed.

"You will be expected to support yourself in the community until departing Australia," the Immigration Department's letter states.

"From Monday 28 August you will need to find money each week for your own accommodation costs. From this date, you will also be responsible for all your other living costs like food, clothing and transport. You are expected to sign the Code of Behaviour when you are released into the Australian community. The Code of Behaviour outlines how you are to behave in the community."

The government's latest move is believed to have surprised people in the Immigration Department, and is expected to revive fierce public debate about Australia's policies on asylum seekers – as well as their children – who attempt to reach the mainland by boat.

"It's hard enough for people in full employment with good wages to find a rental on three weeks' notice, let alone people our government has imprisoned for years on remote islands and banned from working or training," said Daniel Webb, a lawyer at Human Rights Law Centre.

"[Immigration Minister Peter] Dutton knows full well he is making people destitute. It's a cruel attempt to force them to return to danger. We're talking about people who have been part of our communities for years.

"The sensible and compassionate thing to do would be to let them stay. Instead, Dutton is trying to starve them out."

While children and families are not expected to be included in the first batch of asylum seekers subject to the new visa conditions, human rights advocates and workers contracted to provide services to those seeking refugee status fear they could be next.

It is understood about 400 asylum seekers and their children are living in Australia at present after medical transfers from offshore processing and all of these people could be hit with the new visa conditions.

"This is one of the most extreme decisions the department has made in a long time," said a source who has worked for years in welfare for asylum seekers. "Depending on how this first lot goes down the families could be next. These people are the guinea pigs. It really is playing with people's lives."

If the government were to impose the "final departure" visa condition on family groups it would put at risk the living conditions of dozens of asylum seeker children born in Australia, including the 37 babies whose photographs were published by Fairfax Media in February last year.

The new visa will provide work rights to asylum seekers to allow them to apply for jobs. But their chances of obtaining employment will be extremely low because their visa conditions until now have forbidden any paid work or access to training programs.

Those aged above 18 and subject to the new visa will not be allowed to study in Australia. This could mean asylum seeker children who have been in school may be forced to quit once they turn 18. Those under 18 will be allowed to stay in school.

"School-aged children will continue to have access to education while you are on a bridging visa living in the community. Please remind your children that they will also be required to abide by Australian values and laws. Breaking Australian laws may result in their removal from the community," the Immigration department 's letter states.

The government will continue to provide some healthcare costs for those placed on the "final departure" visa and have access to a case officer.

Asylum seekers subject to the new visa conditions will be reminded that they are free to leave Australia at any time to return either to their home country or the offshore processing centres on Nauru and Manus Island.

The asylum seeker welfare worker said those judged to be "less vulnerable" would be targeted with the new visa conditions first. The worker, who asked not to be identified, said at least half of those judged to be "less vulnerable" still had "serious needs".

Most of the asylum seekers to be given the new class of visa on Monday are believed to live in Victoria and New South Wales.

The Immigration Minister's office was contacted for comment.

<http://www.theage.com.au/national/investigations/federal-government-to-launch-crackdown-on-asylum-seekers-20170826-gy4vnh.html>

5. Coalition to cut income support for 100 asylum seekers in Australia

Asylum seekers to lose \$200 a fortnight in benefits, given three weeks to find own accommodation and told to make arrangements to quit the country

The Guardian
Joshua Robertson and agencies
Sunday 27 August 2017 08.24 AEST

The government will cut income and accommodation support for up to 100 asylum seekers who have been transferred to Australia from offshore detention for medical reasons, leaked documents show.

The group will be issued on Monday with what's called a "final departure Bridging E Visa" that cuts the \$200 a fortnight that they had been receiving and gives them three weeks to find their own place to live.

They will be immediately forced to find a job or source other income, despite not knowing when the government will force them to leave Australia.

An immigration department document indicates the government will also force the move on asylum seeker families in the community, including more than 37 babies and 90 children who attend Australian schools.

"You will be expected to support yourself in the community until departing Australia," the document, "Information about the final departure Bridging E Visa", the document states.

It tells the asylum seekers: "If you cannot find work to support yourself in Australia you will need to return to a regional processing country or any country where you have a right of residence.

"From Monday 28 August you will need to find money each week for your own accommodation costs. From this date, you will also be responsible for all your other living costs like food, clothing and transport. You are expected to sign the Code of Behaviour when you are released into the Australian community. The Code of Behaviour outlines how you are to behave in the community."

It is thought 50 to 100 single people, including a woman who may be pregnant, were called last week to meet immigration officials from Monday. Their immediate assistance is likely to fall to refugee support services and churches.

Children and families are not included in the first batch of asylum seekers, who will have work rights. However, the immigration document refers specifically to the children of asylum seekers, heightening concerns the government will also force families of asylum seeker in the community into "destitute" situations.

The families include more than 37 babies and 90 children who attend Australian schools, as part of a total group of about 350 people in the community transferred from offshore detention for medical reasons.

"Please remind your children that they will also be required to abide by Australian values and laws. Breaking Australian laws may result in their removal from the community," the document says.

The Labor opposition immigration shadow, Shayne Neumann, said the government had "sunk to a new low".

"By purposefully making these people destitute and homeless, the Turnbull government can only be exacerbating the health conditions which asylum seekers were originally transferred to Australia to be treated for," Neumann said.

Hugh de Kretser, executive director at the Human Rights Law Centre, described the government's move as "a shocking act of cruelty".

"We're talking about people who have endured great suffering. They've first fled persecution, then been locked up on Nauru and Manus Island. They've finally been brought to Australia and got the chance to rebuild their lives in freedom and safety as part of the Australian community. And now out of the blue, Peter Dutton's decided to make them destitute to try and force them back to harm."

The human services minister, Alan Tudge, did not confirm the precise number involved but said it was "consistent with the principle that anybody who arrives by boat to our shores won't be settled in Australia".

"They will be settled elsewhere. That's what this is about," Tudge told ABC on Sunday.

Senior Liberal frontbencher Dan Tehan told Sky News that "we want these people until they go back to be getting a job".

The chances of the single adults finding work are extremely low. Those over 18 are not permitted to study and have not had access to training programs. The government has also not indicated any timeframe for their forced departure.

The group will continue to have access to Medicare for “some healthcare costs”, the government letter says.

Neumann said the immigration minister, Peter Dutton, had “completely failed to make a case for why these people haven’t been allowed to apply for resettlement in the US while receiving medical treatment in Australia”.

“The recent Senate inquiry into serious allegations of abuse, self-harm and neglect of asylum seekers in Nauru and Manus Island recommended that the Turnbull government publicly confirm asylum seekers transferred to Australia for medical reasons can apply to participate in the US refugee resettlement arrangement,” Neumann said.

<https://www.theguardian.com/australia-news/2017/aug/27/coalition-to-cut-income-support-up-to-100-asylum-seekers-in-australia-report>

6. 'A new low': Labor slams Turnbull government plans to put asylum seekers on the street

Canberra Times
August 27 2017 - 11:22AM
James Massola

The federal opposition has slammed plans to end income support for up to 100 Australian-based asylum seekers and give them just three weeks to find a home as a "new low" for the Turnbull government.

But Human Services Minister Alan Tudge has defended the move, declaring the asylum seekers won't be receiving any further taxpayer support, and will have to return to Nauru, Manus Island or their own country.

Fairfax Media revealed on Sunday leaked government documents that showed the Immigration Department will issue dozens of asylum seekers, who were transferred to Australia from offshore detention for medical reasons, with a new visa known as the "final departure Bridging E Visa".

Under the new visa conditions, income support of about \$200 a fortnight will cease on Monday and a three-week deadline to move out of government-supported accommodation will be imposed.

In total, there are about 400 asylum seekers and their children living in Australia at present after medical transfers from offshore processing and, eventually, all of them may be subject to the tough new visa rules. The asylum seekers will be able to work until they leave the country.

Labor immigration spokesman Shayne Neumann said the move by the Turnbull government to cut financial and housing support was a new low and "even more proof of Peter Dutton's incompetence in the management of offshore processing centres and his failure to negotiate other third country resettlement options".

"By purposefully making these people destitute and homeless, the Turnbull government can only be exacerbating the health conditions which asylum seekers were originally transferred to Australia to be treated for," he said.

"The long term issue of these people being in Australia could be avoided entirely if Peter Dutton simply let these asylum seekers apply to resettle in the United States but he has denied them that opportunity."

The Turnbull government and the Obama administration struck a deal for the US to consider taking up to 1250 asylum seekers from Manus Island and Nauru.

While President Donald Trump has lashed the "dumb deal", he has not walked away from it – as a leaked transcript of Mr Trump and Malcolm Turnbull's first phone call revealed – but so far, no asylum seekers have been sent to the US, either, as vetting of the applicants continues.

Labor defence spokesman Richard Marles, a former immigration minister, said all of the asylum seekers still on Manus Island and Nauru should have been resettled by now.

He added that "Australia has an obligation to provide care" to asylum seekers in the country, or on Manus or Nauru, but that "it's very important that Australia remains off the table" as a destination for would-be asylum seekers.

Mr Tudge said the asylum seekers facing the tough new visa conditions had received medical treatment in Australia "and consequently now they are required to go back to Nauru, or to PNG, or indeed back to their home country".

"That is what this is about, and it is consistent ... with the principle that anybody who arrives by boat to our shores, won't be settled in Australia; they will be settled elsewhere. That is what this is about," he told the ABC.

"I cannot confirm the precise number; but it is right that now that they have had their medical treatment in Australia, that they will be required to return to Nauru, to Papua New Guinea, or back to their home country. And there won't be the further provision of taxpayer support in Australia."

The Manus Island processing centre is set to be shut down by October 31.

<http://www.canberratimes.com.au/federal-politics/political-news/a-new-low-labor-slams-turnbull-government-plans-to-put-asylum-seekers-on-the-street-20170827-gy4z9b.html>

7. 'Trying to look tough': Shorten blasts PM over cuts to asylum seeker support

Government says 100 people affected were transferred from Manus or Nauru for medical reasons and should go back or return to country of origin

The Guardian
Katharine Murphy
Sunday 27 August 2017 16.56 AEST

Bill Shorten has taken aim at Malcolm Turnbull over a decision to cut support for asylum seekers transferred to Australia from offshore detention for medical reasons, declaring him a "weak prime minister trying to look tough".

The Labor leader took to Facebook on Sunday to blast the proposal to cut income support worth \$200 a fortnight, and force asylum seekers to find their own accommodation, characterising it as Turnbull's "weakest move yet".

Shorten said the government's action had "nothing to do with strong borders or stopping people smugglers".

"It's a weak prime minister trying to look tough. That's it," he said.

"Kicking people onto the streets with no support is needlessly cruel and really, really dumb. It won't fix anything. It's just hurting vulnerable and sick people for the sake of it.

"These people should be eligible for settlement in the United States or other countries in our region – so they have a permanent home.

"That's what Turnbull and Dutton should be focusing on."

The government will cut income and accommodation support for up to 100 asylum seekers who have been transferred to Australia from offshore detention for medical reasons, leaked documents show.

The group will be issued on Monday with what's called a "final departure Bridging E Visa" that cuts the \$200 a fortnight that they had been receiving and gives them three weeks to find their own place to live.

The decision has also been blasted by the Greens, with the party leader Richard Di Natale characterising the move as "just unspeakable cruelty".

It has also been attacked by asylum seeker advocates, and the Human Rights Law Centre – but government ministers on Sunday defended the move.

The human services minister Alan Tudge said it was not unreasonable to withdraw taxpayer support for healthy people refusing to return to offshore immigration detention, or to their country of origin.

"These are people who were on Nauru or Manus Island who have been taken to Australia because they have a medical condition which needed to be treated," Tudge Sky News.

"In these cases the medical condition has now been treated and they are now healthy and can return back to Nauru or Manus Island and indeed back to their home country.

"And that's what we are requiring them to do, that's what they need to do and I don't think it's unreasonable for us to therefore withdraw taxpayer support if they refuse to return back to those countries."

<https://www.theguardian.com/australia-news/2017/aug/27/trying-to-look-tough-shorten-blasts-pm-turnbull-over-cuts-to-asylum-seeker-support>

8. Asylum seeker welfare: 'Heartless' cuts to housing support will be challenged by Labor

ABC Radio CAF - AM

By political reporter Stephanie Borys

Monday, August 28, 2017

Labor has labelled the Government "cruel" and "heartless" over its decision to cut financial assistance to a group of asylum seekers.

Immigration officials will meet with nearly 100 men and women over the next two days to discuss their assistance.

They will tell the individuals that their welfare is being cut and they must move out of Government-supported accommodation within three weeks.

The Opposition's Immigration spokesman Shayne Neuman told AM Labor was examining what could be done to reverse the Government's decision.

"We will look at whether it is possible to disallow this in the Senate, we are looking into that issue now," he said.

Mr Neuman said Labor would consider any potential option.

"We will take it through our usual processes," he said.

"We have very strict processes in the Labor party and we will look at it."

Greens immigration spokesman Nick McKim said his party was also examining whether Parliament could stop the measure.

"We will be taking advice about whether any aspect of what the Government is proposing to do is disallowable," Senator McKim said.

"And if it is, then we will move in the Senate on the first day back [in Parliament] to disallow it."

'Utterly false' to claim only least vulnerable will be affected

Refugee Advice and Casework Service principal solicitor Sarah Dale will represent some of the refugees.

"We have spoken to women that are indeed pregnant that will be attending these meetings today," she said.

"The idea that it is the least vulnerable people in the community [having their welfare cut] is utterly false."

The Government has stated that people brought to Australia from Nauru or Manus Island for medical reasons must return once their treatment is finalised.

Mr Neuman is adamant people who arrive by boat should not be resettled in Australia.

But he is calling on the Government to let this particular group stay, until a proper arrangement is finalised.

"The best one on the table right now in front of them should be the US resettlement arrangement," he said.

"And the Government should lift the bar so they can make applications."

<http://www.abc.net.au/news/2017-08-28/labor-to-challenge-government-refugee-assistance-cuts/8847582>

9. Lawyers representing asylum seekers are 'un-Australian': Peter Dutton

Canberra Times

August 28 2017 - 11:09AM

Bianca Hall, with Michael Koziol

Lawyers representing asylum seekers trying to stay in the country are "un-Australian", Immigration Minister Peter Dutton has declared. Mr Dutton said the government had been frustrated by its constitutional responsibilities to asylum seekers, and lashed out at lawyers acting on behalf of those in detention.

"These lawyers have been playing the game with these people who are willing participants and we're a generous nation, but we're not going to be taken for a ride," he told Alan Jones on 2GB radio on Monday.

On Sunday, Fairfax Media revealed the Turnbull government planned to end income support for up to 100 Australian-based asylum seekers and give them just three weeks to find a home, a move Opposition Leader Bill Shorten described as Prime Minister Malcolm Turnbull's "weakest move yet".

Leaked government documents showed the Immigration Department will issue dozens of asylum seekers, who were transferred to Australia from offshore detention for medical reasons, with a new visa known as the "final departure bridging E visa".

Under the new visa conditions, income support of about \$200 a fortnight will cease on Monday and a three-week deadline to move out of government-supported accommodation will be imposed. "The medical assistance has been provided and there is no need for them to remain in Australia and yet through these legal moves, they've found themselves a way [to remain]," Mr Dutton said.

"It goes back to your earlier remarks, Alan, about all the political correctness out there ... and it extends into some of our major law firms, where part of their social justice agenda is for pro bono work to be provided ... and it costs the taxpayer tens of millions each year."

Asked whether the government couldn't simply pass legislation to force asylum seekers back to Nauru or Manus Island after their medical treatment, Mr Dutton replied: "Well, there's constitutional issues involved as you well know [and] we can't pass legislation to dispel with that difficulty of the constitution - so we defend these matters, we fight them in the courts, and it is incredibly frustrating."

Mr Jones described the behaviour of lawyers representing asylum seekers as "unAustralian", to which Mr Dutton replied: "Of course it is."

The Human Rights Law Centre, which represents many refugees and asylum seekers involved in legal battles against the government, bases most of its cases based on its clients' personal vulnerabilities and risks of harm on Nauru and Manus, rather than the constitution.

"We're talking about women who were sexually assaulted on Nauru," the law centre's lawyer Daniel Webb said. "Men who were violently attacked on Manus. Children who were so traumatised by offshore detention that they needed urgent psychiatric care in Australia. The minister evacuated these people because he knew full well they'd suffered serious harm."

"Some have filed cases on the basis that they would face further abuse, danger and harm if returned. The minister has never disputed those claims in court... instead he is trying to starve them out. He is cynically exploiting their vulnerability and trying to force them back to danger by making them destitute."

Meanwhile, asylum seeker advocates have vowed to foot the bill for the 400 affected people, insisting they will not go back to Nauru or Manus Island as the government intended.

The Asylum Seeker Resource Centre has pledged to house and look after about 200 of the refugees who are based in Melbourne, which it expects to cost up to \$1 million over six months.

"We're drawing on what little savings we have, and we're going to rely on the public to rally. We'll just have to find a way to find the money," chief executive Kon Karapanagiotidis said.

"We cannot in good faith allow this government to starve families, babies, children. We're not letting these people be sent back to danger."

On the weekend, Mr Shorten drew a line in the sand on Labor's treatment of refugees, despite steering through changes at the 2015 Labor Party conference that saw the opposition commit to turning back asylum seeker boats if it wins government.

On Sunday, he said kicking people off support was needlessly cruel and "really dumb".

"It won't fix anything. It's just hurting vulnerable and sick people for the sake of it," Mr Shorten said.

"These people should be eligible for settlement in the United States or other countries in our region – so they have a permanent home. This act has nothing to do with strong borders or stopping people smugglers. It's a weak Prime Minister trying to look tough. That's it."

There are about 400 asylum seekers and their children living in Australia after medical transfers from offshore processing and, eventually, all of them may be subject to the tough new visa rules. The asylum seekers will be able to work until they leave the country.

<http://www.canberratimes.com.au/federal-politics/political-news/lawyers-representing-asylum-seekers-are-unaustralian-peter-dutton-20170827-gy5ci7.html>

10. Peter Dutton's comments to Alan Jones a betrayal of 'Australian values', lawyers say

Law Council of Australia says 'there is nothing more Australian than ensuring people are subject to the rule of law'

The Guardian

Ben Doherty

Tuesday 29 August 2017 04.01 AEST

Lawyers have hit back at the immigration minister, Peter Dutton, for describing them as “un-Australian” for providing pro bono assistance to asylum seekers.

In an interview on the immigration department’s proposed final departure visa, which strips asylum seekers of all support, 2GB radio host Alan Jones put it to Dutton that the behaviour of lawyers who had offered to assist asylum seekers was un-Australian: “Of course it is,” Dutton replied.

“All the political correctness out there ... It extends into some of our major law firms, where part of their social justice agenda is for pro bono work to be provided ... and it costs the taxpayer tens of millions each year.”

Dutton said the government was frustrated by its constitutional obligations. “We can’t pass legislation to dispel with that difficulty of the constitution, so we defend these matters, we fight them in the courts and it is incredibly frustrating.”

The president of the Law Council of Australia, Fiona McLeod SC, said she “utterly rejected” Dutton’s comments, which she said were aimed at legal professionals who were simply exercising rights that exist under international and Australian law.

“There is nothing more Australian than ensuring people are subject to the rule of law and have their legal rights protected,” McLeod said. “The Australian legal system reflects fundamental Australian values, including the right to have your case heard, the right to not be arbitrarily detained and the right not to be subjected to cruel or inhumane treatment.”

She said the minister’s attack was extraordinary and a break with the Australian tradition of a free and independent legal system.

The government is at loggerheads with lawyers and refugee organisations over plans to strip several hundred asylum seekers and refugees of all government support.

Leaked fact sheets from the government show the immigration department intends to impose a new “final departure bridging E visa” upon about 400 refugees and asylum seekers currently in Australia.

Known as the “Let Them Stay” cohort, the refugees and asylum seekers were brought to Australia from the Australian-run detention centres on Manus Island and Nauru for advanced medical treatment: for some, following rape, assault, other trauma, or serious and deteriorating mental health issues.

But also included among the 400 are 37 babies who were born in Australia to asylum seeker parents.

Some of those issued with notices from the government are recognised refugees, who have been found to have a well-founded fear of persecution and who cannot, legally, be sent to a place of harm. Others are still within the refugee status determination process, while others have been rejected for refugee status.

One hundred refugees and asylum seekers in that group have been instructed to meet with the immigration department this week and have been told they will be issued with a “final departure bridging E visa” before being returned to Manus or Nauru.

They lost all government payments – \$300 a fortnight – on Monday and will be given three weeks to leave government supplied housing. Refugees and asylum seekers will have access to Medicare and will be allowed to work, and children will be able to attend school.

But when the visa expires they will be expected to return to either Manus or Nauru, or abandon their protection claim and return to their country of origin.

It costs \$573,000 a year to house a single asylum seeker or refugee in offshore detention for a year, according to the government’s own audit. The auditor says it costs about \$40,000 to have someone supported in Australia on a bridging visa.

Community groups and refugee advocates have condemned the proposed changes as an attempt to coerce people to return to harmful places offshore or abandon entirely their claim to protection.

Unicef Australia said the government’s proposed new visa regimen was punitive and said the impact on children must be considered.

"These are not reasonable, necessary, or proportionate measures for the government to take," Unicef Australia's director of policy and advocacy, Amy Lamoin, said. "It is well known that punitive measures are not an effective way to influence positive behaviour. These measures, which remove such critical support, will only increase the risk of negative outcomes like destitution and homelessness."

Aid groups, community organisations, refugee advocates, church groups, and individuals have all come forward offering assistance to refugees cut off from government support, with offers of rooms, houses, clothes, food, and financial help.

The chief executive of the Australian Red Cross, Judy Slatyer, said she held grave concern for those asylum seekers who will lose basic assistance.

"Our view is that people should have their humanitarian needs met while in Australia regardless of legal status; they should never be left destitute in the Australian community. They should have their claims for protection fairly assessed and sustainable solutions must be found for people who need protection.

"Red Cross will expand its emergency assistance for people that are directly impacted and will be working with the many agencies that assist asylum seekers over the coming weeks."

<https://www.theguardian.com/australia-news/2017/aug/29/peter-duttons-comments-to-alan-jones-a-betrayal-of-australian-values-lawyers-say>

11. Catherine Williams: An open letter to Peter Dutton on behalf of all those 'un-Australian' lawyers

The Age
August 28 2017 - 11:45PM
Catherine Williams

Dear Mr Dutton, how pesky those "un-Australian" lawyers are – holding you and your Department to account for failing to make decisions according to law! What a thorn in your side they must be! Wouldn't it be better if they would just stop trying to have their clients' legal rights defended and leave you and your Department alone?!

In truth, it doesn't surprise me that you view the preparedness of the Australian legal profession to perform pro bono work in order to protect the rights of asylum seekers with disdain – that you see it as an inconvenience you'd rather not have to deal with. Fortunately, however, the profession has a proud tradition of performing pro bono work (as is its duty) and there many excellent solicitors, barristers and support staff who generously contribute their time to facilitating access to justice for people who would otherwise be precluded from it. Like asylum seekers who have been the subject of adverse decisions that your Department failed to make according to law.

The decisions of Australian courts in cases where pro bono lawyers have represented applicants against your Department are littered with orders quashing your Department's decisions and ordering your Department to make new determinations "according to law" (these are the courts' words not mine).

As for your claim that these "un-Australian" lawyers cost the taxpayer tens of millions each year in their efforts to defend their clients' rights, one might suggest that if you are so concerned about the waste of taxpayer funds, have your Department make all decisions according to law and we'll all be saved a good deal of time and money (and then let's talk about the significant saving to be made by doing away with offshore processing centres). In this context, let me tell you about a conversation I had with one of your Department's employees a few years back.

Your Department had just cancelled a visa in a decision that was manifestly affected by a jurisdictional error. There was no denying it (seriously, it was a shocker). Indeed, your employee didn't even try to deny it – she simply noted that the decision would be righted on appeal. This betrayed a shockingly cavalier attitude towards the making of legal decisions of exceptionally significant consequence. And it was a perfect example of an utter waste of taxpayer funds when your Department went on to try (futilely, as was a foregone conclusion) to defend its decision before the court.

Finally, in response to your shameful slight on the Australian law firms who contribute to the vital pro bono work being performed in this country, may we not forget that it is justice, after all, that is the fundamental good of the law. All those who contribute to its pursuit are not in any sense "un-Australian" (what an odious term that is): they are what makes this country one we are fortunate to live in – a country where the executive doesn't just get to do as it likes and behave as if it were not bound by law. The firms and individuals who contribute to it are deserving of your respect, not your derision.

---->>>> *Dr Catherine Williams is a tutor at La Trobe University and a former employee of Holding Redlich, to whose pro bono program she was proud to contribute.*

<http://www.theage.com.au/comment/an-open-letter-to--peter-dutton-on-behalf-of-all-those-unaustralian-lawyers-20170828-gy5tk0.html>

12. Advocates and churches vow to fight cuts to asylum seeker support

Ian Rintoul says there is 'a small army of people' ready to help refugees and asylum seekers affected by changes to visa rules

The Guardian

Ben Doherty

Monday 28 August 2017 12.10 AEST

Community groups, refugee advocacy organisations and churches have vowed to throw open their doors in support of any refugees and asylum seekers cut off from government support or evicted as a result of changed visa rules.

"We're not going to let these people starve. We're not going to let these people go homeless," the Asylum Seeker Resource Centre's chief executive, Kon Karapanagiotidis, said after news of the changes emerged over the weekend.

"We're not going to let these people go back to Manus and Nauru. We're going to fight back. We together are going to rally again.

Ian Rintoul, from the Refugee Action Coalition, told Guardian Australia there was "a small army of people" around the country who would help asylum seekers and refugees with housing, income, legal representation or anything else they needed.

One hundred refugees and asylum seekers in Australia have been instructed to meet with the immigration department this week and have been told they will be issued with a "final departure bridging E visa" before being returned to Manus or Nauru.

They lost all government payments – currently \$300 a fortnight – from Monday, and will be given three weeks to leave government-supplied housing. Refugees and asylum seekers will have access to Medicare and will be allowed to work, and children will be able to attend school.

But when the visa expires they will be expected to return to either Manus or Nauru, or abandon their protection claim and return to their country of origin.

The first 60 appointments began at 9am on Monday.

The 100 are among about 400 refugees and asylum seekers who have been brought to Australia from Manus and Nauru for medical treatment, including complex surgery and long-term mental health treatment, or to give birth. Some have been victims of rape and assault offshore.

The 400 also include 37 babies born in Australia.

Many of those in Australia have court orders requiring the government to give 72 hours' notice if they are to be returned offshore. Courts across the country have been told that to forcibly send them offshore would be to "return them to danger".

None of these court orders have been challenged by the government.

The immigration minister, Peter Dutton, said asylum seekers and refugees had been exploiting the system in Australia, but that "the con is up".

He told News Corp, "they were brought to Australia on the premise that once their medical needs were met they would return to Nauru or Manus.

"The medical care has been provided and through tricky legal moves they are now prevented from being returned to their country of origin, Manus or Nauru."

According to the Australian National Audit Office it costs \$573,000 to hold a single person in offshore detention for one year.

The auditor says it costs about \$100,000 to house someone in community detention, and about \$40,000 to have someone living on a bridging visa.

Speaking on Sydney radio 2GB on Monday, Dutton agreed with presenter Alan Jones that lawyers who represented asylum seekers in such cases were "un-Australian", Fairfax Media reported.

The government has made it harder for refugees and asylum seekers requiring high-level medical care to get to Australia for treatment. More than 50 people – including three pregnant women – have been refused, or not even considered for, medical transfer, after doctors recommended they be moved off the island.

Rintoul said refugee advocacy organisations had been mobilised by the government's sudden announcement of the new visa regimen, with offers of housing, income, food and other essentials.

"There is a whole army of people who have responded to this, organisations and individuals; there's been an enormous response."

On social media, people have offered rooms in their homes, food and clothing.

Tim O'Connor, from the Refugee Council of Australia, said refugees and asylum seekers living in the community – even those who had not received notices – feared they would be left destitute by this proposed change.

"People are terrified, these announcements cause great anxiety, because no one seems to know exactly who this is going to affect, or who's going to be next. Our members are working with the people who have been affected to assist them, and trying to calm the anguish of those who won't be affected but who fear they might be next. We're seeking clarification on who is being targeted and we are co-ordinating with community groups, with lawyers, politicians and with the very vulnerable people directly under attack."

Government "fact sheets" about the new final departure bridging visa have been sent only to single men and women so far. But the documents address the rights of children, giving rise to concern that family groups will be targeted next.

"We've already had generous Australians contacting us, wanting to offer financial and other support directly to those people affected."

The Australian Churches Refugee Taskforce acting executive officer, Caz Coleman, said the organisation was "definitely concerned" by the changed situation of asylum seekers and refugees in Australia.

"The removal of financial aid is a deep concern and we will be working to support people in any way."

The opposition immigration spokesman, Shayne Neumann, said Labor was reviewing whether it could reverse the decision, describing it as "cruel" and "heartless".

"We will look at whether it is possible to disallow this in the Senate," Neumann told ABC radio.

Greens immigration spokesman Nick McKim said his party was exploring whether parliament could stop the measure.

"We will be taking advice about whether any aspect of what the government is proposing to do is disallowable," McKim said. "And if it is, then we will move in the Senate on the first day back [in parliament] to disallow it."

<https://www.theguardian.com/australia-news/2017/aug/28/advocates-and-churches-vow-to-fight-cuts-to-asylum-seeker-support>

13. Churches offer sanctuary to asylum seekers affected by welfare crackdown

ABC News Online

By Lexy Hamilton-Smith

Tuesday 29 August 2017

Australia's Christian churches are offering sanctuary to 100 asylum seekers caught up in a Government welfare crackdown affecting those who were originally transported to Australia for medical treatment.

Immigration Minister Peter Dutton has said those whose treatment had been finalised would no longer receive financial assistance from the Government.

The asylum seekers have been meeting with Immigration officials over the last two days to discuss cuts to their assistance.

However, if they can find a way to support themselves and their families, they will still have access to Medicare and their children could still attend school in Australia.

Describing the tough stance as "cruel and heartless", chair of the refugee taskforce and the Anglican Dean of Brisbane, the Very Reverend Peter Catt, said religious leaders would not stand by and allow the asylum seekers to become destitute.

"Or cause them to live in terror of being returned to harm on Nauru or Manus Island," he said.

"Among them are pregnant women and women who had suffered sexual assault on Nauru."

'Community will be kind'

Reverend Catt said nine denominations had agreed to open their door across the country if the refugees lost their legal status.

Most had already been stripped of government housing support and had just weeks to find a job or be deported.

Those affected were initially brought to Australia from Nauru or Manus Island for medical reasons.

"When this Government can be cruel, the community will be kind," Reverend Catt said.

"Today we are announcing a number of aid agencies have combined together and are launching a campaign that will see these people supported in the community.

"The sanctuary offer would kick in if the Government sought to remove their legal status or to round them up and to take them back to Nauru and Manus by force."

Huge outpouring of public support in 2016

In February 2016, churches across Australia also united in support of refugees as they faced removal back to offshore detention centres.

Reverend Catt said it precipitated a huge outpouring of public support and he believed it would again.

"We were grateful to the state and territory governments who offered their territories as sanctuaries as well — as did schools and hospitals," he said.

"We are calling on the Government to reverse its decision to cut support to these vulnerable people.

"I could not believe it when I started to hear the stories on Monday morning that Minister [Peter] Dutton would resort to this level of cruelty.

"This Government needs to do something about finding an enduring solution to a problem it has created."

The Australian Churches Refugee Taskforce was established to promote a shared Christian vision of compassion and hospitality for asylum seekers and refugees.

Its members include Baptists, Lutherans, Quakers, Anglicans and the Uniting and Catholic churches.

Concern offer of 'ancient sanctuary' has no legal basis

However, Brisbane Catholic Archbishop Mark Coleridge was concerned the offer of ancient sanctuary had no legal basis in Australia.

"It is from another time and another culture — if others want to do it, then I applaud them," he said.

"As a symbolic gesture, it does have power, but it risks raising unrealistic expectations.

"The important thing is that the Christian community becomes the sanctuary — not a building — and we have been doing that."

Instead, the Archbishop has urged Catholics "to gather around these deeply needy people".

"In this archdiocese, we've been fortunate to work with many, many families who are desperate for a new life in Australia," he said.

<http://www.abc.net.au/news/2017-08-29/aust-church-sanctuary-offer-asylum-seekers-welfare-crackdown/8852172>

14. Churches offer sanctuary to asylum seekers left homeless by Coalition cuts

'When this government is cruel, the community will be kind,' Anglican dean of Brisbane says in response to visa changes

The Guardian
Ben Doherty
Wednesday 30 August 2017 04.00 AEST

Churches across Australia will offer sanctuary to any refugees and asylum seekers left homeless and destitute by changes to the government's visa regime.

The Very Rev Peter Catt, Anglican dean of Brisbane and chair of the Australian Churches Refugee Taskforce, said a network of churches, aid agencies, community groups and refugee advocacy organisations would offer housing, financial support, food, clothing, medicines and other necessities to assist refugees and asylum seekers who have lost the right to government financial support and housing.

“Yesterday over 40 men and women went into an appointment with immigration, emerging penniless, without housing, and terrified of returning to harm on Manus and Nauru. Among them were pregnant women and women that came to Australia for treatment after being sexually assaulted on Nauru,” Catt said.

“We will not stand by and allow them to be made destitute and forced back to danger on Nauru. When this government is cruel, the community will be kind.”

Leaked government fact sheets outline a plan for asylum seekers and refugees living in Australia to be given a new “final departure bridging visa”, which would see them lose government financial assistance – currently \$300 a fortnight – and evicted from government-supplied housing.

So far, 100 single men and women in Australia have been instructed to meet with the immigration department and told they will be subject to the new regime.

The 100 are among about 400 refugees and asylum seekers – known as the “Let Them Stay” cohort – who have been brought to Australia from Manus and Nauru for medical treatment, including complex surgery and long-term mental health treatment, or to give birth. Some have been victims of rape and assault offshore.

The 400 also include 116 children, many enrolled in Australian schools, and 37 babies born in Australia to asylum seeker and refugee parents.

Those children, while born in Australia (and, in many cases, having never left the country) are regarded as “illegal maritime arrivals” by the government.

Last year, a network of Australian churches publicly offered sanctuary to asylum seekers and refugees facing return to Nauru and Manus Island.

There is a long tradition of churches acting as physical places of sanctuary.

The right of churches to provide sanctuary, in which fugitives were immune to arrest, was recognised by English law from the fourth to the 17th century. It no longer has any legal force but is rather observed out of tradition or as a metaphorical safe haven. The right does not exist in Australian law.

Catt said the government’s latest visa changes were politically motivated, and were “really an attempt to get refugees and asylum seekers to go back out of desperation, to starve them into it”.

“Today’s announcement is really to remind people that if the government does try to remove people by force, then sanctuary still exists, we’ve got aid agencies ready to assist.”

Catt urged the Australian public to support agencies who had pledged to assist affected asylum seekers and refugees.

The immigration minister, Peter Dutton, enlarged upon the visa changes this week, saying that asylum seekers and refugees had been exploiting the system in Australia, and that “the con is up”.

He told News Corp, “they were brought to Australia on the premise that once their medical needs were met they would return to Nauru or Manus”.

“The medical care has been provided and through tricky legal moves they are now prevented from being returned to their country of origin, Manus or Nauru.”

The minister said, “in some cases, this con has been going on for years, costing the Australian taxpayer tens of thousands of dollars for each individual”.

It costs \$573,000 a year to house a single asylum seeker or refugee in offshore detention for a year, according to the government’s own audit. The auditor says it costs about \$40,000 to have someone supported in Australia on a bridging visa.

Australia now attempts not to allow refugees and asylum seekers to be transferred to Australia for required advanced medical care. In internal documents, the government says it tries to prevent medical transfers because of refugees’ “propensity” to exercise their rights in the courts and seek injunctions preventing their return to the Australian-run offshore islands.

More than 50 people are on the Overseas Medical Referral list in Nauru. They have been recommended for overseas transfer for medical treatment unavailable on Nauru, but have been refused or not even considered.

FULL STORY AT <https://www.theguardian.com/australia-news/2017/aug/30/churches-offer-sanctuary-to-asylum-seekers-left-homeless-by-coalition-cuts>

15. Charities, advocates, unions join forces to fight asylum seeker crackdown

August 28 2017 - 5:42PM

Michael Koziol

with Bianca Hall, Richard Baker

A coalition of refugee advocates, unions and charities have joined forces to resist the Turnbull government's dramatic crackdown on asylum seekers, vowing they won't be coerced back to Manus Island and Nauru.

National refugee services, St Vincent de Paul and the Salvation Army were among those in an emergency telephone conference on Monday to plan a response, including aid, accommodation and a public campaign.

The sector was left stunned on Sunday after Fairfax Media revealed plans to strip up to 400 asylum seekers in Australia of welfare payments and accommodation, in a bid to force them back to offshore detention.

The government began shifting the asylum seekers on to six-month "final departure bridging E visas" on Monday, cutting income support of about \$200 a fortnight and giving people three weeks to find new homes.

In response, the Asylum Seeker Resource Centre launched a donation drive, pledging to house and look after an estimated 200 people living in Melbourne, which it expects to cost up to \$1 million over six months.

"We're drawing on what little savings we have, and we're going to rely on the public to rally. We'll just have to find a way to find the money," chief executive Kon Karapanagiotidis told Fairfax Media.

"We cannot in good faith allow this government to starve families, babies, children. We're not letting these people be sent back to danger."

In Sydney, Settlement Services International was working with other local agencies - including the Refugee Advice and Casework Service - to find emergency accommodation.

Meanwhile, the Australian Council of Trade Unions backed a relaunched campaign by GetUp! to "let them stay" in Australia, declaring it "stands ready to fight". The ACTU is understood to be considering financial contributions to the campaign.

Corinne Dobson, director of policy and research at St Vincent de Paul, said the charity would do whatever it could to prevent the "untenable situation" of asylum seekers returning to Nauru or Manus Island.

The 400 asylum seekers were brought to Australia from offshore for medical reasons or because they were caring for sick people, but the government has long insisted they must return to the islands or go home now that assistance has been rendered.

Immigration Minister Peter Dutton on Monday declared "the con is up", while Treasurer and former immigration minister Scott Morrison said the asylum seekers had "gamed the system to get to Australia".

Lawyers have so far stopped the government sending people back by force, earning a stunning outburst from Mr Dutton, who agreed with shock-jock Alan Jones' description of the lawyers as "un-Australian".

That drew fierce opprobrium from the legal fraternity. The NSW Bar Association said the comment was regrettable and "inappropriate", while Law Council of Australia president Fiona McLeod called it a "truly extraordinary" attack.

"There is nothing more Australian than ensuring people are subject to the rule of law and have their legal rights protected," she said.

Asylum seekers interviewed by the Immigration Department on Monday, including the victims of sexual assault, were told they could return to the countries from which they fled. According to advocates, the group includes more than 50 babies born in Australia, and 66 children born in other countries.

Hugh de Kretser, executive director of the Human Rights Law Centre, said it was an "absurd and cruel" crackdown designed to sidestep the government's undertaking not to deport people while legal proceedings are under way.

Labor and the Greens deplored the move and were exploring options to have it blocked by the Parliament. Opposition Leader Bill Shorten said it was "cowardly and cruel to treat these people badly - it is weak".

Mr Dutton said that would be "glee to the ears of people smugglers, who would be rubbing their hands together". Allowing the asylum seekers to remain in Australia would enable people smugglers to say "you can go to Australia for medical assistance and then you'll stay there", he said.

<http://www.canberratimes.com.au/federal-politics/political-news/charities-advocates-unions-join-forces-to-fight-asylum-seeker-crackdown-20170828-gy5ln2.html>

16. Law Council voices alarm at government's 'deeply concerning' citizenship changes

Canberra Times
August 23 2017 - 11:45PM
Fergus Hunter

Australia's peak legal body has criticised the government's proposed citizenship crackdown, arguing some elements of the package are unnecessary, threaten the nation's social cohesion and hand the immigration minister a concerning amount of power.

The Law Council of Australia has taken aim at a suite of measures the government first announced in April that have been opposed by Labor and referred to a Senate inquiry. Under the changes, aspiring citizens would have to achieve a "competent" level of English and face a four-year wait as permanent residents before they can seek citizenship.

Applicants would also have to demonstrate integration into society and face an "Australian values" test.

In its submission to the inquiry, the Law Council has argued the toughened English language test for applicants is not justified, the power for the immigration minister to disregard Administrative Appeals Tribunal decisions erodes the rule of law, and a test on Australian values is "unprecedented" overreach.

"The stated purpose of the strengthened English language test is to enhance economic and social participation, but the move is not substantiated by economic or social data," Law Council president Fiona McLeod said, arguing it would especially discriminate against refugees.

She told Fairfax Media the requirement would impose an unfairly harsh standard on new citizens and said it was concerning that the exact standard required could be decided by the government without parliamentary approval.

"We are deeply concerned with the increased use of personal powers of the immigration minister compared to other areas of government given the significance such decisions have on people and the limited review options available in such cases," Ms McLeod said.

"The power of the minister to set aside decisions by the Administrative Appeals Tribunal is a significant erosion of the rights of review and protections of the rule of law because the minister is intending to take to himself the power to override or ignore the decision of the review tribunal."

In rejecting the legislation, Labor has argued it would be a "fundamental change in who we are as a country" and denied any link between citizenship policy and national security. Their main concerns centre around the longer wait for citizenship and the toughened English test, which they say would impose university-level standards.

Immigration Minister Dutton has dismissed those concerns, saying the opposition was confusing two versions of the IELTS test, the "general" stream and the "academic" one. He has said the government's version focused on "basic survival skills in broad social and workplace contexts".

However, globally renowned specialist Catherine Elder rebuffed this argument, describing the two standards as "more or less the same".

To get its legislation through the Senate, the government will need to find sufficient support from the crossbench. The inquiry is holding public hearings over the next three days.

In its submission to the inquiry, the Law Council said Australia's citizenship program should promote social cohesion and argued the government's proposals would "create divisions between new and existing citizens by having different requirements".

Ms McLeod said the government should not dictate values to citizens or compel applicants to make a commitment to integrate.

"Recognising that Australians have a broad and deep sense of their own personal values and to require new citizens to state that they adhere to certain values and integrate into the community is unprecedented. Values are contestable," she said.

"How they are interpreted are is completely a matter of individual thought and belief."

The Law Council has also recommended that the bill not operate retrospectively.

<http://www.canberratimes.com.au/federal-politics/political-news/law-council-voices-alarm-at-governments-deeply-concerning-citizenship-changes-20170823-gy2c2j.html>

17. Australia's offshore detention centres 'terrible', says architect of system

Paris Aristotle says 'what has been put in place is not what was recommended' and there is not a 'skerrick of evidence' it deters asylum seekers from boarding boats

The Guardian

Ben Doherty

Wednesday 16 August 2017 08.27 AEST

One of the government's key architects of offshore processing says Australia's offshore detention centres are "terrible", don't deter asylum seekers from boarding boats, and are a corruption of what was recommended to government.

Paris Aristotle, AO and the Victorian Australian of the Year for 2017, was a member of the Expert Panel on Asylum Seekers that proposed Australia restart offshore processing of boat-borne asylum seekers. The proposal was one of 22 recommendations to the Gillard Labor government.

Nauru and Manus Island were both reopened in 2012 and have been plagued by allegations of violence, including murder; sexual predation of men, women and, in particular, children; medical neglect leading to death; high rates of suicide and self-harm; and other human rights abuses.

Speaking in Sydney on Tuesday night as part of the University of New South Wales Grand Challenges series examining the impasse in asylum policy, Aristotle said successive governments had focused only on enforcement of boat turnbacks and mandatory offshore detention, and had failed to implement all of the panel's recommendations, which advocated Australia creating a regional program for processing asylum claims to reduce the incentive for people to board boats.

"What has been put in place is not what was recommended," Aristotle said.

"The thing that is absent from this is building the architecture necessary in the region to produce a regional protection framework to stabilise populations, assess people's claims fairly and in a timely way, and provide decent and durable outcomes for them."

Aristotle, who established Foundation House for the survivors of torture and trauma, said the camps on Manus and Nauru – now in their fourth year of operation – did not deter people from boarding boats.

"One of the great myths about approaches like this to dealing with asylum seekers is the belief that punitive deterrence measures are an effective way of dealing with these things. Many people in the political sphere and in the wider community actually believe that they're essential to achieving that outcome. But there's not a skerrick of evidence to prove that.

"The things most people are fleeing are far worse than even the circumstances we might place people in."

He said people-smuggling operations could be more easily stopped, not by force, but by irrelevancy.

"Instead of punishing people that have had to resort to taking up [people-smugglers'] services, let's put an alternative system in place that provides safe pathways for people as opposed to them risking their lives."

Turning back asylum seeker boats to Indonesia or Sri Lanka was not sustainable, Aristotle said. Thirty-one boats, carrying more than 770 people, have been forcibly turned back since Operation Sovereign Borders was established in 2013.

"But if you imagine that one of the countries close to us in the region – if there was a major crisis in Indonesia, Bangladesh, Papua New Guinea – there's no amount of turnbacks that's going to work in that scenario."

Aristotle said Australia's immigration detention regime was proven to be damaging to those held within it.

"The detention centres are terrible, I've been opposed to indefinite mandatory detention for years, the impact is awful for people, but really what crushes people is an absence of hope and an absence of connection."

Professor Guy Goodwin-Gill, director of UNSW's Kaldor Centre for International Refugee Law, told the Breaking the Deadlock panel that Australia could not hope to address a global issue with unilateral policies, and that its current suite of policies was not envied or coveted by other countries. It had not "added to the sum of protection" around the world.

"The Australian model is not, as we are sometimes told, an exportable one, it is not viewed with admiration, apart from by some quirky elements on the extremes."

Goodwin-Gill said the worldwide debate around forced migration needed to hear from those at its centre – the migrants themselves: "Do not speak about us, without us," last year's global compact on migration conference was told.

Huy Truong, founding director of Thrive Refugee Enterprise and a former refugee who arrived in Australia by boat in 1978, said the public and political narrative around refugees in Australia needed to change “from being purely a cost and a threat to one of an economic opportunity for Australia”.

Truong said Australia’s nation-building efforts post-second world war had transformed the country.

“We became economically stronger, we became more secure, but we also became a much more just and socially aware country.

“Now, is there a way we can recast our current challenges where when, we look at 65 million displaced people ... that there’s an opportunity for Australia to effectively tap into another global talent pool that can lead to the next evolution of Australia?”

The former president of the Australian Human Rights Commission, Gillian Triggs, said Australia had suffered “dreadful leadership” since 2001 on the issue of asylum, and the current policies were unnecessary and had been “one of our lowest points as a nation”.

She said there was “not a scintilla evidence” that holding people in indefinite detention helped stop boats or saved lives at sea.

“We can preserve national security, we can protect our boundaries as a sovereign nation which we’re fully entitled to do, but we can do it in a way which is compassionate, humane, meets our Australian ideals, and, importantly ... meets our international legal obligations.

“We are stopping the boats because we have a military force which has effectively achieved that outcome.”

Triggs said 87% of the refugees in Australia’s region were from Myanmar so increased assistance to that country “looking at the causes of conflict, persecution and poverty” would reduce the forced migration across the region.

Australia is one of Myanmar’s largest aid donors, and resettles significant numbers of refugees from camps on the Thai-Myanmar border.

<https://www.theguardian.com/australia-news/2017/aug/16/australias-offshore-detention-centres-terrible-says-architect-of-system>

18. This Whistleblower Says Pregnant Women On Nauru Are Being Denied Abortions In Australia

"If things do not change these women will unwillingly become mothers if they do not kill themselves first."

BuzzFeed

Posted on August 21, 2017, at 8:04 a.m.

Paul Farrell & Gina Rushton

A whistleblower on Nauru has accused Australian Border Force officials of stopping pregnant refugees from travelling to Australia to have abortions, in a powerful letter sent to politicians today.

In a leaked letter obtained by BuzzFeed News, the "extremely concerned" detention centre worker claims pregnant asylum seekers and refugees who wanted abortions were not being transferred to the Australian mainland for treatment.

Previously asylum seekers and refugees who were pregnant had been transferred to the Australian mainland due to the low quality of medical services on Nauru.

Some had children while others chose to have abortions.

Some of these women had serious medical problems, and later sought injunctions to prevent their removal from Australia.

The process for approving abortions has been complicated by the Nauruan government's Overseas Medical Referral (OMR) at the Nauru hospital. The staff member wrote in their letter that they saw the process as a sham, and that "it is guaranteed that approval will not be given".

It has effectively created a de-facto ban on terminations for refugees in Australia's care, the worker said in the letter.

"The OMR committee refused all four requests for terminations. This was not completely unexpected. Nauru is a Christian country and abortion is illegal. OMR committee members would be breaking Nauruan law if they approved them.

"I am asking you to use whichever avenues are available to you to put pressure on the government to change this policy, and help these women.

"One of the women is now 15 weeks pregnant. For this woman, there is only five weeks left in which to end her pregnancy.

"I am asking for your help to challenge this current policy which denies women the right to end their pregnancy. If things do not change, these women will unwillingly become mothers, if they do not kill themselves first."

Pregnant refugees on Nauru have faced significant hurdles in getting access to medical treatment.

In February, a heavily pregnant Kuwaiti refugee held in detention on Nauru was diagnosed with the potentially life-threatening condition preeclampsia.

The 37-year-old waited for days to be evacuated after doctors said she was in a critical condition and needed to be flown to Australia for an emergency C-section.

Her baby was also in a breech, or feet first, position and she had a large fibroid, or benign tumour, on the wall of her uterus.

Obstetricians in Australia, including the president of the Australian Medical Association, Dr Michael Gannon, lobbied for her to be immediately moved to a hospital with appropriate neonatal facilities.

The woman was eventually airlifted to Australia.

In May last year, an Australian Federal Court ruled that it would not be safe or legal for a pregnant African refugee — who was raped on Nauru while unconscious and suffering a seizure — to have an abortion.

She was flown to Papua New Guinea — where abortion is also illegal, and only lawful if the termination would save the mother's life — for the procedure.

The court heard immigration minister Peter Dutton denied having a duty of care to the woman refugee, but in May 2016 the Federal Court of Australia held that Dutton had failed to fulfill his duty of care, and the woman was ultimately brought to Australia for treatment.

The same month a Somali refugee and her newborn were medically evacuated from Nauru in a critical condition.

The woman's pregnancy was at 32 weeks when she underwent a caesarean operation on Nauru, and refugee advocates criticised the government for not allowing women on the island to give birth in Australia.

Late last year the Nauruan government withdrew a bill that would have legalised abortion for refugee and asylum seeker women.

The nation's border protection minister David Adeang introduced the bill, which was opposed by both government and opposition MPs.

Living conditions on Nauru have faced heavy criticism from the United Nations and human rights groups. Save the Children had previously conducted a risk assessment warning that infant babies should not be transferred back to Nauru.

<https://www.buzzfeed.com/paulfarrell/this-whistleblower-says-pregnant-women-on-nauru-are-being>

19. Pregnant refugees refused abortions on Nauru must be brought to Australia, says AMA

President of the peak medical body says ethically and legally the trio 'are entitled to healthcare standards the same as Australian citizens'

The Guardian
Ben Doherty
Wednesday 23 August 2017 14.46 AEST

The president of the Australian Medical Association has said three pregnant refugees being refused terminations on Nauru must be brought to Australia for the procedure.

Doctors for the trio held in the offshore immigration regime have requested they be transferred to Australia to terminate their pregnancies. They have been refused by Nauru hospital's overseas medical referral (OMR) committee.

Pregnancy terminations are illegal in devoutly Christian Nauru.

Psychiatrists have raised serious concerns about the mental health of the three women, saying they fear they might self-harm, attempt suicide or attempt to terminate their pregnancy themselves.

Speaking at the National Press Club in Canberra, the AMA president Dr Michael Gannon – an obstetrician by specialty – said the case for the three women was clear.

“The ethical principles are very clear. People seeking the protection of the Australian government are entitled to healthcare standards the same as Australian citizens. So, that’s a matter of ethics and that’s a matter of law.”

Gannon said pregnancy terminations were “a difficult and vexed issue, where a form of medical care ... which could relatively easily be provided on Nauru, can’t legally be provided because it’s illegal on the island”.

“That means that if that cannot be provided, that those patients must be transferred to the mainland.”

Gannon said the AMA had developed a working relationship with the chief medical officer of the Department of Immigration and Border Protection that allowed it to advocate for the care of refugees and asylum seekers.

He said the subject of healthcare for refugees and asylum seekers under Australia’s care on Manus Island and Nauru was “a hotly contested political issue”.

“I am not an immigration expert. But I like to think I am expert in medical ethics and I’ve stated our position very clearly as to the health standard that is we would expect,” he said.

Both the AMA and the Royal Australasian College of Physicians have called for refugees and asylum seekers held offshore who require advanced medical treatment to be immediately brought to Australia for care.

Guardian Australia revealed this week that more than 50 people currently held on Nauru are on the OMR list. They have been recommended by doctors for transfer to Australia for required high-level care, but have either been refused, or simply not considered, by the Nauru hospital’s OMR committee.

Dr Catherine Yelland, the president of the Royal Australasian College of Physicians, said: “We are very concerned by reports that asylum seekers are being refused medical transfers to hospitals in Australia where they would be able to get the care they need. The Australian government has a responsibility to ensure people in detention have access to the same level of care in Australian hospitals.”

Yelland said the college had long held the position that indefinite, mandatory immigration detention should end and asylum seekers should live in the community while their claims are assessed.

“It’s abundantly clear that they can’t receive the quality healthcare they need in these facilities. Doctors’ advice in these instances must be followed. We’ve too often seen the tragic outcomes that can occur when this advice is ignored.”

Seven refugees and asylum seekers have died in offshore detention. Medical neglect – including urgent transfer requests being rejected or ignored, poor treatment being provided, or people being refused treatment – has contributed to deaths, coronial inquiries have been held and staff have consistently reported.

Guardian Australia revealed that a changed policy directive from the Australian immigration department had led to a significant backlog of medical cases on Nauru.

Nauru hospital’s OMR committee has, for several years, played a role in international transfers, but previously, urgent or sensitive medical transfers were arranged directly between Australian Border Force and its health contractor, International Health and Medical Services.

However since the middle of July, the Australian immigration department has mandated that all medical transfers – including requests for terminations of pregnancies – must be approved by Nauru’s OMR.

There is significant medical disquiet over pregnancy terminations being referred to the OMR committee. The hospital is essentially being asked to approve a procedure overseas that is illegal in Nauru.

Staff on the island say the committee has been placed in an invidious position on terminations and that those procedures should be directly arranged between IHMS and the ABF.

Other surgeries and medical treatments are also delayed. The OMR committee meets irregularly – it has postponed two meetings this week, department staff in Canberra say – keeps little paperwork, and repeatedly defers decisions.

Staff on Nauru and in Canberra say the changed policy has been designed to frustrate or stop medical transfers. They argue the OMR provides no clinical value and only delays people receiving appropriate care.

<https://www.theguardian.com/world/2017/aug/23/refugees-needing-high-level-treatment-should-be-brought-to-australia-medical-bodies-say>

20. ACT offers to resettle refugees held in 'inhumane' offshore detention centres

Motion passes without division and declares government willing to settle people from Manus Island and Nauru

The Guardian

Ben Doherty

Thursday 24 August 2017 16.46 AEST

The ACT government has offered to resettle refugees from Australia's offshore detention centres on Manus Island and Nauru.

A motion passed the unicameral ACT legislative assembly, without division, declaring "that the ACT government is willing and ready to settle refugees and asylum seekers from Manus Island and Nauru in Canberra as part of a national program of resettlement".

The motion, put by Greens MLA and minister for justice Shane Rattenbury, said the offshore processing centres were "inhumane and degrading" and had been unequivocally shown to be unsafe.

"Refugees in these processing centres have been subjected to violent attacks, sexual violence, inadequate medical care, and harassment of mothers, fathers and children as young as six."

The motion was unanimously supported by Labor and Greens members in the chamber. Liberal members did not rise against it or call a vote, effectively abstaining.

The ACT is the only Australian state or territory to have declared itself a "refugee welcome zone", one of 148 zones across Australia, including shires and councils from every state.

The declaration is likely to have little practical impact. Decisions on granting visas are the bailiwick of the commonwealth, not state or territory governments. Amnesty International Australia said it hoped the ACT's commitment would establish a precedent for other states and territories.

"This sends a strong message to prime minister Turnbull and immigration minister Dutton that their deliberately abusive policies are not welcome and that they must come to an end," Amnesty refugee campaigner Ming Yu Hah said.

"Refugees and people seeking asylum who Australia has trapped on Nauru and Manus Island are not safe and further tragedy is inevitable unless Australia acts responsibly."

About 2,000 refugees and asylum seekers are held on Australia's offshore immigration islands of Nauru and Manus, either in the "regional processing centres" or in communities.

Three pregnant refugees held on Nauru who have requested terminations and have been recommended by doctors for transfer to Australia, remain on the island, after being refused transfers by the Nauru hospital overseas medical referral (OMR) committee.

More than 50 refugees and asylum seekers are on the OMR list but have been refused transfers or not considered, raising concerns among medical and departmental staff.

There is particular medical disquiet over pregnancy terminations being referred to the OMR committee. Pregnancy terminations are illegal on devoutly Christian Nauru, and the hospital's doctors are essentially being asked to approve a procedure overseas that is illegal on the island.

Psychiatrists treating the pregnant women have raised concerns the women may self-harm, commit suicide, or attempt a home abortion if they are denied access to the procedure.

The Australian Medical Association and the Royal Australasian College of Physicians have both said refugees and asylum seekers needing advanced medical care should immediately be brought to Australia.

The opposition immigration spokesman Shayne Neumann and Labor senator Lisa Singh, have both written to the immigration minister, Peter Dutton, over the delayed medical transfers.

Neumann wrote he was concerned by the imposition of an additional step – reference to the hospital OMR committee – for politically sensitive medical transfers.

"I ... seek your urgent assurance that asylum seekers and refugees residing in Australian-funded offshore processing centres, in particular women and children in Nauru, will have access to medical transfers when required."

Singh wrote the Australian government was aware refugees and asylum seekers held offshore were consistently exposed to harm, violence and abuse and questioned, too, the involvement of the OMR committee in approving terminations.

"What is the rationale for this decision by the Australian immigration department, that seems only to serve as a political means of preventing these women from being brought to Australia for medical care? What outcome does your department expect from this looming tragedy?"

The Guardian has sought comment from the office of the immigration minister.

<https://www.theguardian.com/australia-news/2017/aug/24/act-offers-to-resettle-refugees-held-in-inhumane-offshore-detention-centres>

21. 'Trash left in limbo': Fears for refugees on Manus after detention centre closes

The Age
August 13 2017 - 12:00AM
Eve Fisher

"We feel hopeless and powerless," says Sudanese refugee Abdul Aziz Adam. "We are expendable to your government. All we are looking for is shelter and a safe place."

Adam has been living in detention on Manus Island for nearly four years. But on October 31 the centre will close following a ruling last year by the Papua New Guinea Supreme Court.

"We have lost hope with this government," Adam says. "We don't believe that one day they will give us our freedom. They are going to dump us here and walk away."

Concerns are rising that what was initially considered a win for refugees and their advocates has become something else entirely. There are fears for the safety and welfare of the 800 or so refugees and asylum seekers on the island. An asylum seeker died on Manus earlier this month, and there are questions surrounding the man's death.

Adam, 24, told Fairfax Media everyone lived in fear of locals who made it clear the refugees weren't welcome. He said the small number of men who risked going into the main town of Lorengau were targeted almost daily.

"We are harassed on the road and robbed on the road," he says. "We have put in more than 1000 complaints but we received no feedback. They haven't taken a single step to solving the problem. Police say they can't do anything. They say 'we don't want you to come to our community'."

Adam said he mostly worried about what would happen after October 31, given how strained relations were already. He said he had given up dreaming of being settled somewhere safe.

According to Adam, at least nine people have been attacked with machetes or bashed in recent weeks, while countless more have been robbed of money and phones. It is believed one man was bashed so severely last Monday that he had to be flown to Australia to be treated for head injuries.

Earlier this month, refugee Hamed Shamshiripour, a 31-year-old Iranian national, was found dead at a school in East Lorengau. His death has been ruled as suicide. But some refugees believe he was murdered. He had been known to clash with locals. A photo seen by Fairfax Media appears to show injuries to his face and head.

"We are trying to tell them it is not safe," Adam says. "We don't wish to settle in PNG. They don't want to tell us what is happening. They are just saying 'get out of this place, we want to close the door'."

Manus Province police commander David Yapu said the situation was not as dire as refugees claimed.

"The locals are so friendly. I see no problem," he says. "Those incidents that happened, they happened at night. At odd hours. During the day we see refugees walking [safely]."

Commander Yapu said Mr Shamshiripour's death was not being treated as suspicious. "There were no injuries on his body," he says.

When asked about preparations for the end of Australia's involvement on Manus, Yapu said he could not comment. "After October 31, the next move is still uncertain," he says.

From November 1 the men with refugee status will need to find employment to support themselves – in a country with notoriously high unemployment – and access the already over-burdened public health system. They will hope for resettlement in the US or another country, but no one knows when, or if, that will happen.

The asylum seekers who have not been granted refugee status will be expected to take the \$20,000 offered by Australia and return to their home countries. Those who refuse face deportation.

Refugees on Manus fear there will be limited access to health and psychiatric care, no education programs or employment services. There will be just 300 beds, even after renovations are complete, at the Australian-built East Lorengau Refugee Transit Centre where the men are being taken to live in dormitories.

Laloki Hospital psychiatrist Ludwig Nanawar has been working with refugees and is worried there is no proper plan for the closure. He said that without Australia's support the refugees would be left languishing.

"It will have far-reaching implications – not just for health," Dr Nanawar says. "Jobs are limited. They are going to be homeless and won't have access to health services. I see a lot of them being unemployed and sleeping on the streets ... There will be all kinds of social problems."

Adam says a host of services have already been cut, including dental care, optometry, and English classes.

The centre itself is being decommissioned, with the power and water cut off at Foxtrot compound nearly two weeks ago in a bid to force the residents to move into the transit centre.

It has been reported that a notice at the detention centre warns refugees that if they do not move to East Lorengau their behaviour will be reported and their chances of being accepted by the US hampered.

Residents at the centre have been protesting the treatment of the men in the Foxtrot compound, who rely on other compounds for fresh water.

It is believed there are about 65 men living in East Lorengau, while about 30 refugees are in Port Moresby. The rest are still living in the detention centre. It is also believed there have been more than 30 medical transfers to the capital in recent days, with a further 30 planned for next week, and Adam said he was unsure if those people would be returning to Manus.

Adam said no one wanted to move to the transit centre because they were scared. He said the locals wanted them off the island.

"Ever since we were exiled to this island we have been mis-introduced," Adam says. "They say we are criminals, terrorists and very dangerous people. That was our first introduction."

He said briefings by Australian Immigration Department representatives were designed to instil distrust and fear in order to keep the two groups apart.

"They tell us [the locals] have contagious diseases and not to shake hands with them. 'You guys should stay away from them.' They tell us they are cannibals ...

"When we arrived we were so scared and intimidated. They created distrust between us and them. They think we are bad people; we think they are sick people. It's really terrifying."

Under the regional resettlement arrangement, signed by former prime minister Kevin Rudd and PNG Prime Minister Peter O'Neill in 2013, both governments are expected to protect the welfare and safety of anyone transferred as a priority.

Greens senator and immigration spokesman Nick McKim said he understood why the detainees were terrified of living in the community.

"It is not safe," he says. "There have been a number of attacks recently. If they can't go out of the [transit] centre safely then it's basically a prison."

"There is never an excuse for violence, but the people of Lorengau have been treated with contempt. They were not asked; they were not consulted by their government prior to the detention centre being established."

Lorengau has a population of about 4000 and McKim said an additional 800 people would be a huge challenge for any community.

A spokeswoman for Immigration Minister Peter Dutton said all issues should be raised with the Papua New Guinea government.

"These are matters for the PNG government and the PNG police," she says. "The Australian government provides significant financial support to PNG to provide services."

"This government didn't put people on Manus Island, but we are committed to cleaning up Labor's mess. Under the agreement signed by Kevin Rudd, there was no arrangement for people to leave Manus Island. This government has brokered an arrangement with the US to take a considerable number of people from Manus."

But phone transcripts leaked earlier this month of a conversation between Prime Minister Malcolm Turnbull and US President Donald Trump have raised questions about the strength of that agreement, with Turnbull encouraging the US to simply submit to the selection process, irrespective of how many refugees were actually selected for resettlement.

In late July, the United Nations High Commissioner for Refugees stepped up its fight with the Australian government, saying it had been speaking regularly with the Immigration Department about plans to exempt a small number of people with family ties in Australia. But Dutton rejected the claim, saying no one from offshore detention would be settled here.

Opposition immigration spokesman Shayne Neumann said the refugees should be settled elsewhere.

"Labor strongly supports the US refugee resettlement agreement and want refugees off Manus and Nauru and resettled in third countries as quickly as possible," he said in a statement.

In the meantime, Abdul Aziz Adam just tries to pass the hours, no longer raising his hopes about a bright future.

"I don't feel anything anymore. I'm just surviving," he says.

"It's a disaster but who is listening to us? No one.

"I feel like trash left in limbo."

<http://www.theage.com.au/national/trash-left-in-limbo-fears-for-refugees-on-manus-after-detention-centre-closes-20170810-gxtjjd.html>

22. Manus Island: Asylum seekers moved to Port Moresby 'for treatment' suspicious of timing

ABC News Online

By Papua New Guinea correspondent Eric Tlozek

Wednesday August 30 2017

More than 100 asylum seekers and refugees have been moved from Manus Island to Port Moresby as the Australian Government increases its efforts to close its offshore detention centre in Papua New Guinea.

The men have been told they are being brought to Port Moresby to receive specialist treatment for their medical conditions, but many of them have been waiting months — or even years — for treatment and are suspicious about the timing.

"I am confused why they moved me now because I am suffering from this pain for the last three and half years," Pakistani refugee Ali Zamir, who has a stomach ulcer, said.

Other patients, such as Iranian refugee Ben Moghimi, suspect the transfer is part of Australia's efforts to close the Manus Island detention centre.

"It's kind of suspicious, why are they doing this right now, why haven't they done it in past years?" he said.

The Australian Government wants to clear the Manus Island centre by the end of October so it can be demolished.

PNG's Immigration service yesterday gave the refugees who remain there a letter outlining their accommodation options — these include a transit centre on Manus Island, accommodation in the PNG community, or returning to a country where they have right of residence.

Mr Moghimi fears he and the other sick men now in Port Moresby will be left there if the centre closes.

"Only maybe after October 31 [when the centre is to close] they will leave us behind on the street, homeless," he said.

PNG authorities also appear to be resuming deportations of the men whose refugee claims were rejected.

They arrested a Sri Lankan man when he left the detention centre to go shopping, and took him to Port Moresby, where he is awaiting deportation.

The man's friend, Shamindan Kanapadhi, said he had definitely not agreed to leave.

"He said that 'I'm not willing to go but they are forcing me, they are going to deport me, I have no choice, I don't know what to do'," he said.

The men have just one more day to take advantage of a cash incentive — reportedly \$20,000 or more — to return to their countries of origin.

The Australian Government has said it will not pay the money to anyone who has not signed an agreement to return by the end of August.

<http://www.abc.net.au/news/2017-08-30/manus-island-asylum-seekers-transferred-to-port-moresby/8854254>

23. Manus Island: What happened to make Hamed go from 'a good guy' to a man to be avoided?

ABC Radio CAF - Correspondents Report

By Eric Tlozek

Saturday 19 August 2017, 5:28am

Last week a man Eric Tlozek met while covering the situation on Manus Island was found dead, in what police say looks to have been a suicide.

I met Hamed Shamshirpour outside the police station in Lorengau, the only town on Manus Island, last November.

I was standing with another asylum seeker when Hamed approached. He was excessively friendly, shaking my hand and speaking intensely to me.

Then he turned his attention to the asylum seeker next to me.

He kissed him on each bicep, then his chest, making the man uncomfortable. Suddenly, swiftly, he darted forward and kissed the man on the lips.

The other asylum seeker recoiled and pushed Hamed away, but didn't seem too angry. "Stop that," he said.

Both men were Iranian. They were standing where the buses pick people up to go back to the detention centre.

Bemused Papua New Guineans sat under a sprawling fig tree nearby, chewing betel nut and watching the spectacle as Hamed moved back in.

"C'mon," he said to the other Iranian man. "I am here for you, I am ready." He raised his eyebrows then ran his tongue along his lips. The other man watched him tensely.

When Hamed darted in and aggressively grabbed him for another kiss, his friend was ready. He smacked Hamed across the head — hard.

Then he hit him repeatedly, fast, swearing at him. Hamed turned to run and earned a hard kick up the backside. But his friend wasn't finished.

He gave chase and belted and kicked Hamed around the dusty police-station car park. Every time Hamed got clear, he earned another kick to his behind.

The locals watched bemused and fascinated. I was standing in the middle of the circle the two men made as they ran, unsure of how to respond.

Police came to investigate the commotion. One officer screamed abuse at both men and another came forward and feinted a punch at Hamed's head, making him cower on the ground.

His friend stopped instantly. He was panting but was immediately back in control. His anger was a demonstration. I ushered him into a car and we drove away.

"He wanted me to beat him," the other Iranian man said as we left. He was flushed and breathing heavily.

"I always tell other people not to beat him, but sometimes I have to. I don't want to beat him, but I am Kurdish, and when people threaten us we fight."

Hamed had been hanging around the bus stop for most of the day. His friends said he spent most of his days there, ranting to himself and seeing if he could provoke the locals.

"Hamed used to be a good guy," they said, "but now he is crazy".

Over the next few months, I heard more reports about Hamed's behaviour. Local Manus people told me his behaviour was erratic, sexually-suggestive and frightening.

His friends had asked authorities to help him many times, and he had repeated run-ins with the police.

Hamed initially well-liked by all

Whenever I saw Hamed on Manus Island, it was a brief, intense conversation or a glimpse of him walking, hunched forward like he was in a hurry.

Sometimes you would see him gesticulating wildly to a group of confused Papua New Guineans, who would usually nod politely then swiftly move away.

Yet Hamed was a man who initially was well-liked by the other detainees on Manus Island.

He learnt guitar from YouTube and would entertain other asylum seekers. He was apparently friendly and compassionate.

In his last few months, Hamed became a person to be avoided.

He was teased by local children, chased by local men and closely watched and intimidated by police.

He became increasingly isolated and desperate. I last glimpsed him alive when I drove through the centre of Lorengau town last month.

Then, last week I watched his body being loaded onto an aeroplane. He was leaving Manus Island, but not the way anyone wanted.

Death surrounds the detention centre

Everyone in the detention centre has been touched by death. The first story I covered on Manus Island was the trial of two men accused of killing Iranian asylum seeker Reza Barati.

The evidence was graphic. Mr Barati was beaten to death in front of his friends during riots in the centre in February 2014.

A number of men kicked him while he lay on the floor. One centre worker hit him repeatedly in the head with a piece of wood with a nail in it. A guard dropped a large rock on his head.

The asylum seekers who watched Mr Barati die, or saw his body afterwards, still talk about that moment with horror in their eyes.

One of the two men convicted of murdering Mr Barati escaped from jail months ago and is still at large.

An Australian guard and a New Zealander who were implicated in the death by witnesses remain in their respective countries and have never been charged.

Later in 2014, Iranian asylum seeker Hamid Khazaei died from an infection on his leg.

Last year Pakistani detainee Kamil Hussain drowned when he fell into a waterfall on Manus Island.

And then just before Christmas, Sudanese refugee Faysal Ishak Ahmed collapsed in the centre and died not long after.

Each of these deaths has added to the sense of hopelessness and desperation amongst the refugees and asylum seekers on Manus Island.

Push to close the centre met with resistance

Hamed's death came as authorities stepped up their efforts to close the detention centre. They have been pushing refugees to move into a so-called "transit centre" close to the main town on Manus Island.

The men inside the detention centre have been holding daily protests against the move. They don't want to stay in detention, but they believe the transit centre, which is too small to fit all the detention centre's residents, isn't safe.

A recent spate of robberies and attacks by local people on asylum seekers has only made the detainees more fearful.

The streets of Lorengau were previously full of asylum seekers shopping and socialising. But since Hamed's death, their numbers have dropped.

Many are staying in the centre, scared to leave. They say they're stressed, sick and now completely lacking hope.

The Australian and Papua New Guinea Governments are promising to close the centre by the end of October.

United States officials were in there last week, interviewing detainees for resettlement in the US.

That process has been slow and the US Government is yet to say if any of the men from Manus will actually be accepted by the United States.

But the closure deadline is creeping ever closer and no new options have been offered.

It's possible that this is deliberate, to increase the pressure on the men inside to return to their countries of origin. This ignores the fact that refugees are legally owed protection.

If someone has been found to be a refugee, by what Australia says has been a fair and robust process, they have a well-founded fear of persecution.

So if the men are being pushed to return, that means they are being pushed back to a place where Australia and PNG believe they are at risk.

Essentially the men inside the centre are being told to leave as the place is demolished around them.

If all of them said yes tomorrow, there would not be enough space to house them in the transit centre.

The excess would presumably be "resettled" in PNG, something that has proven difficult and dangerous to some who have already tried.

Extra police are being flown to the island to help force the detainees out. The detainees say they have no option but to resist.

There's a flashpoint coming, and perhaps Hamed won't be the last person to leave Manus Island in a coffin.

<http://www.abc.net.au/news/2017-08-19/manus-island-asylum-seekers-death-begs-questions/8810652>

24. 'Genuine refugees' from Manus and Nauru should settle in Australia – Liberal MP

Russell Broadbent says it is time 'to resolve the situation' and bring refugees to mainland once US deal runs its course

The Guardian
Katharine Murphy Political editor
Wednesday 16 August 2017 15.51 AEST

The Victorian Liberal moderate Russell Broadbent has called for "genuine refugees" in offshore detention to be settled permanently on the Australian mainland once the US resettlement deal has run its course.

Broadbent signalled his intention to break ranks with government policy in a short speech to parliament just before question time on Wednesday, saying it was "time for this parliament to act to resolve the situation on Manus and Nauru".

The veteran Liberal, who has campaigned within the Liberal party and across party lines on behalf of asylum seekers, referenced a column from Guardian Australia's David Marr as the prompt for him to call for a permanent resolution.

In his speech, Broadbent quoted the opening of Marr's piece, which was published last week: "If only Christians fought like this for refugees. Imagine if the Coalition's big men of faith threatened to tear down their own government unless it brings home the wretches we've imprisoned in the Pacific. Surely there couldn't be a greater service for Christ?"

Broadbent told parliament: "David Marr can be pretty hard when he writes. It comes out of his life experience, and I accept that."

The Liberal MP said he could not ignore the challenge he laid down. "I couldn't walk past it. Eventually you come to a place in your time – as a former member once said – there's a rubbish bin there, and it smells, and you can't walk past it.

"Enough. El Shaddai. Enough."

Broadbent said he was "happy" with the progress of the US refugee resettlement deal but once that process had concluded it was time for the parliament to act to ensure people were not subject to indefinite detention.

The speech was greeted with a round of applause by MPs in the chamber.

Asked after the speech what he meant by parliamentary action to resolve the situation on Nauru and Manus, Broadbent told Guardian Australia: "It means the Australian parliament should act to resolve the situation of people in long-term offshore detention."

“Those who are genuine refugees should be brought home to Australia,” he said. “Those who aren’t genuine refugees – we need to work hard to find another place for them.”

The Coalition’s punitive policy forbids boat arrivals ever being settled on the Australian mainland. Its opponents say people now in offshore immigration centres are subject to indefinite detention despite the fact they have broken no laws.

The offshore detention centres have attracted condemnation in Australia and internationally for alleged human rights abuses.

Broadbent’s decision to break ranks with government policy follows comments by Paris Aristotle, a member of the Expert Panel on Asylum Seekers that proposed Australia restart offshore processing of boat-borne asylum seekers.

Aristotle told an audience in Sydney on Tuesday night: “The detention centres are terrible, I’ve been opposed to indefinite mandatory detention for years, the impact is awful for people – but really what crushes people is an absence of hope and an absence of connection.”

He said current arrangements did not deter asylum seekers from boarding boats, and the regime that had been implemented did not reflect the recommendations the expert panel had made to the Gillard government.

<https://www.theguardian.com/australia-news/2017/aug/16/genuine-refugees-from-manus-and-nauru-should-settle-in-australia-liberal-mp>

25. Three pregnant refugees and nearly 50 others denied medical transfers from Nauru

Asylum seekers and refugees awaiting surgeries, abortions and other treatment prevented from having overseas transfers by Nauru hospital committee

The Guardian

Ben Doherty

Monday 21 August 2017 06.50 AEST

Nearly 50 refugees and asylum seekers held on Nauru – including at least three women seeking to terminate a pregnancy – are being refused, or not considered for, overseas medical treatment, in defiance of doctors’ recommendations.

Three pregnant refugee women on Nauru have asked to terminate their pregnancies, for cultural, familial and health reasons. Doctors’ requests for them to be transferred overseas for the procedure have been rejected. Terminations are illegal on Nauru, a devoutly Christian country.

And Australian immigration department staff have confirmed to the Guardian that nearly 50 refugees and asylum seekers are on a waiting list for approval for medical transfer for a variety of conditions including musculoskeletal injuries and surgeries that cannot be performed on the island.

Since July this year, Australia’s Department of Immigration and Border Protection has mandated that all medical transfers must be approved by the Nauru hospital overseas medical referral committee. Previously, urgent or sensitive medical transfers were directly arranged between the Australian Border Force and the Australian government’s health contractor, International Health and Medical Services.

Staff on the island say the changed procedure is a political effort to obstruct medical transfers. The OMR committee meets irregularly, keeps little paperwork, repeatedly defers decisions and often cancels meetings.

But island sources say, as well, the OMR committee has been placed in an invidious position in the case of terminations, essentially being asked to sign off a procedure overseas that is illegal in Nauru.

The three pregnant women have been recommended by doctors for transfer overseas for terminations this month but have been refused by the hospital OMR committee.

In at least one case, a psychiatrist has recommended a woman’s “mental health was being significantly impacted upon by her current situation and that if the termination of pregnancy does not proceed it will very likely pose a significant risk to her physical and mental health, both from an individual, familial and community perspective”.

Politically, there is resistance from the Australian government to refugees and asylum seekers being brought to Australia for tertiary care.

Refugees and asylum seekers brought to Australia for medical treatment often exercise their rights before the courts, and seek injunctions preventing them from being returned. These are regularly granted by Australian courts.

Since 2015 it has been Australian government policy that asylum seekers and refugees deliver babies on Nauru because of their “propensity” – in the government’s words – to exercise those legal rights.

A staff member on Nauru told the Guardian there was no reason – beyond political obstruction – to give the Nauru hospital OMR committee final authority over the transfer of asylum seekers and refugees to other countries for treatment.

“In the past, some women who went to Australia for terminations sought injunctions and are now living in community detention in Australia. Some others declined the termination once they reached Australia, secured an injunction and have since given birth to their child. Not all women did this, some returned to Nauru after their termination.

“The Australian Border Force needed another step in the process, to prevent women from travelling to Australia. Now that requests for terminations must be submitted to the OMR committee, it is guaranteed that approval will not be given. Women are being denied the right to end their pregnancy.”

The staff member said medical professionals on the island held deep concerns for the wellbeing of the pregnant women, and for anyone else who sought a termination in the future.

“These women already have significant mental health problems. Giving birth and raising a child in Nauru would only increase their mental health burden. I am concerned that these women will self-harm, attempt suicide, or attempt a home abortion.

“One of the women is now 15 weeks pregnant. For this woman, there is only five weeks left in which to end her pregnancy. This current policy ... denies women the right to end their pregnancy. If things do not change, these women will unwillingly become mothers, if they do not kill themselves first.”

The staff member said the instruction to involve the Nauru hospital OMR committee in referral decisions was politically motivated.

“Terminations should be managed between IHMS and ABF. There is no reason to include the OMR committee and the Republic of Nauru hospital, other than to enforce Australia’s current policy that anyone who arrives by boat will not be settled in Australia.”

Nauru – a country of 10,000 people – has limited medical facilities and only one small hospital, recently upgraded with \$12m of Australian aid money. Nauruan women facing complex deliveries are regularly flown to Australia, Fiji or Singapore to give birth.

Dr Paddy McLisky from Doctors for Refugees said the Australian immigration department had deliberately created a cumbersome, complex, and bureaucratic process for medical transfers, that appeared as though it was designed to fail.

“The epitome of this is referring termination of pregnancy to the OMR committee, when that procedure is illegal in Nauru. The committee is being put in an impossible position.

“It was completely foreseeable that this process would create a frightening and potentially dangerous situation for women seeking termination of pregnancy.”

McLisky said the patients’ best interests were not being considered in sending termination referrals to the OMR, where they were almost certain to be rejected.

“Going through a termination of pregnancy is one of the most difficult situations of a woman’s life. It’s an incredibly difficult decision to make, and to have this referred off to a committee to decide, to have it discussed and evaluated by bureaucrats, security and travel staff, when it is something many people would prefer to keep quiet, is just inhumane.

“This is yet another example of medical care which is clearly not ‘broadly comparable’ with health services available in the Australian community, where abortion in early pregnancy is widely permitted.”

The Guardian put a series of questions regarding medical transfers to the Australian Department of Immigration and Border Protection’s media unit. A spokesman in response said: “these are matters for authorities in Nauru”.

Repeated calls to the Nauru government and Nauru hospital were not returned.

The Australian immigration department has consistently maintained that refugees held offshore enjoy access to healthcare “broadly comparable” to that in the Australian community.

Australia’s handling of pregnancies among the refugee and asylum seeker community on Nauru has often been controversial.

Earlier this year, a Kuwaiti refugee facing a complex birth was flown from Nauru to Australia late in her pregnancy after intense lobbying from doctors arguing that she faced a potential life-threatening delivery on Nauru. Five obstetricians in Australia, including the president of the Australian Medical Association, Dr Michael Gannon, reviewed her case and said she should be immediately moved to a hospital with appropriate neonatal facilities.

Last year a Somali refugee and her newborn infant were medically evacuated from Nauru in a critical condition and placed on life support in a Brisbane hospital after she gave birth by caesarean on the island one month prematurely.

And in 2015, a government health contractor advertised on LinkedIn for a neonatologist to fly the very next day to Nauru to oversee a complex birth. The ad even invited doctors to nominate their salary for a week's work. Doctors told the government the mother should be flown, with the baby in utero, to a tertiary hospital. The woman ultimately gave birth on Nauru.

The government's policy around babies born to refugee women has led to an unusual legal sophistry.

Babies born in Australia to women moved from offshore detention are regarded by the department as "illegal maritime arrivals" to the country, despite having never been on a boat nor having left Australia.

<https://www.theguardian.com/australia-news/2017/aug/21/three-pregnant-refugees-and-nearly-50-others-denied-medical-transfers-from-nauru>