

# Project SafeCom News and Updates

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# 1. Richard Ackland: Is Peter Dutton a fit and proper person to wield such awesome powers?

We should question both the ability and the character of a man who exercises more discretionary powers than any other minister

The Guardian

Richard Ackland

Wednesday 6 September 2017 04.00 AEST

How un-Australian can you get? Lawyers providing pro bono services to refugees are hopelessly “un-Australian”, according to Peter Dutton, the minister for immigration and border protection.

Yet, the minister’s crass joke about Pacific island nations being threatened by rising sea waters is not un-Australian, nor are comments about “illiterate ... innumerate” refugees taking Australian jobs; or describing a female reporter in the Canberra press gallery as a “mad fucking witch”; or refusing an abortion to a pregnant asylum seeker after she had been raped.

They all meet Australian standards, according to Dutton’s skewed grasp of decency. This year he tried to reset the rule of law in a way more favourable to his doggedly inflexibility and boundless ambition. He declared that members of the Administrative Appeals Tribunal were ideologically motivated and for good measure Queensland magistrates were “hopeless leftwing softies”.

This from a minister who is out of his depth when it comes to understanding how the AAT functions in immigration and refugee cases (among other things he believes the tribunal hands down “sentences”). It’s a lack of understanding not confined to his job as immigration minister but harks back to his time as health minister where a survey of doctors found Dutton to be the worst health minister in 35 years.

Quite apart from questions about his ability there are issues of character that go to the way he exercises his overreaching authority. There is a real question whether someone so devoid of empathy is a fit and proper person to be handed wide, discretionary and unreviewable powers as the new minister for home affairs.

Liberty Victoria described his current responsibilities as minister for immigration and border protection as “problematic ministerial powers” or the “God powers”.

He has wide discretions over people’s lives with limited or no options for review or challenge. He can send people to indefinite offshore or onshore detention, he can turn boats back at sea, he can hold people on the high seas, he can grant visas, he can deny visas, and he can send people back to places they are fleeing.

His current portfolio goes beyond immigration and refugee matters, extending to tariff classifications, imports, exports, customs, citizenship and security at airports and ports. The portfolio of immigration and border protection vests this minister with the greatest number of ministerial public interest or national interest powers: 47 in total, according to Liberty Victoria’s study.

Dutton is responsible for the administration of 20 acts or parts of acts. The attorney general, on the other hand, is responsible for 152 acts, yet his public interest or national interest discretionary powers at 38 are fewer than Dutton’s. To get an idea of the comparable scale of authority, the defence portfolio is responsible for the administration of one more piece of legislation than the minister for immigration and border protection, and yet there are only two public interest or national interest powers that come within the authority of the defence minister and three for the prime minister.

Thirteen years ago, a Senate select committee found “there was a pressing need for reform” of ministerial discretions under the Migration Act. The committee said:

“... vesting a non-delegable, non-reviewable and non-compellable discretion with the immigration minister without an adequate accountability mechanism creates both the possibility and perception of corruption.”

Dutton is in a league of his own with the discretionary powers he can exercise as immigration minister – without accountability or transparency. As home affairs minister the range and reach of his discretions over people’s lives will expand alarmingly.

The details of the ministerial arrangements have not yet been settled, but we do know that the new home affairs portfolio will retain immigration and border protection and will take from the attorney general’s and justice departments, the Australian Security and Intelligence Organisation and the Australian federal police.

Also to be transferred to home affairs from the attorney general’s department are the Australian Criminal Intelligence Commission, the Australian Transactions Reports and Analysis Centre, Emergency Management Australia including the Crisis Coordination Centre, the Australian Institute of Criminology and the Critical Infrastructure Centre.

The Office of Transport Security will also be shifted to Dutton from the Department of Infrastructure and Regional Development. It is not certain at this stage whether the terrorism provisions under the Criminal Code 1995 or under division 3A of the Crimes Act will also go to home affairs and Dutton.

Canberra-based law researcher Peta Leigh has identified the powers under the ASIO Act that the minister can exercise, including:

- Issuing warrants if he has reasonable grounds for believing that ASIO's access to premises will assist intelligence collection. This extends to personal frisk searches and the removal and retention of records and computer data – section 25(2).
- Issuing specific computer access warrants – section 25A.
- Issuing surveillance device warrants, which includes the tracking of a person and surveillances of places where the target is believed to be located – section 26.
- Authorising the inspection of postal articles – section 27.
- Warrants to service providers, including internet service providers, to deliver contents and articles – section 27AA.
- Identified person warrants, giving ASIO access to records, computer data, use of surveillance devices, and access to postal articles – “for any time period”. Section 27C.

Dutton will be able to issue warrants for questioning and detention in police custody.

Then there is the Australian federal police where Dutton as the responsible minister will be able to give directions to the commissioner “with respect to the general policy to be pursued in relation to the performance of functions by the AFP”.

It's all together too awesome an array of powers in the hands of one person, made all the more dangerous by this minister's lack of understanding and respect for the rule of law.

The minister parades this insistence on the absoluteness of his authority in the name of “keeping Australians safe”. Safe from what? Certainly we're not safe from his autocratic tendencies.

<https://www.theguardian.com/commentisfree/2017/sep/06/is-peter-dutton-a-fit-and-proper-person-to-wield-such-awesome-new-powers>

## **2. 'Unacceptable': Liberal MP Russell Broadbent slams own government over refugees**

The Age  
September 23 2017 - 8:00PM  
Michael Koziol

Divisions within the Turnbull government over refugees and offshore detention have been brought to the fore in an incendiary speech by long-serving Liberal MP Russell Broadbent, an outspoken critic of harsh asylum seeker policies.

Mr Broadbent delivered a scathing assessment of successive governments' handling of refugees on Manus Island and Nauru at a book launch in Melbourne on Thursday night, predicting an imminent "tipping point" in what the public would accept.

"The whole situation is coming to a head. What is happening on Manus and Nauru can't go on – it can't go on without some very destructive forces coming into play," he said.

"If you believe this country is what I believe this country is, this situation is unacceptable. The situation on Manus is unacceptable – because I believe this country paints a picture of who it is."

The first refugees to be accepted for resettlement in the US are due to depart on Sunday, which Mr Broadbent said was "great". But he warned the government was at a "T-intersection" on what to do with those who don't go to the US – which would include sending residual refugees to Nauru and putting non-refugees in domestic Papua New Guinea jails.

"I actually don't want to say ... what I think should happen in that area," he said. "I'd just like to make sure the executive of both parties understand that we are coming to a T-intersection and they are going to have to make some decisions."

Mr Broadbent then said, and later confirmed to Fairfax Media, that refugees who don't go to the US should be allowed to go to New Zealand, which has made several offers to accept people from Manus Island and Nauru.

That is contrary to the policy of the Turnbull government, which argues it would open a pathway for asylum seekers to eventually end up in Australia.

But Mr Broadbent said he had his finger on the pulse of how Australians viewed the refugee issue – more so than his colleagues – and believed the public, especially women, would not truck indefinite detention of refugees on the islands.

"Politicians don't recognise that the tipping point is on its way – I do. When the women of this nation decide the tipping point has become – that's when the politicians will act," he said.

The Liberal MP, who first entered Parliament in 1990 and has represented the Victorian seat of McMillan since 2004, encouraged the audience of refugee activists to send letters to Malcolm Turnbull if they disliked current policies.

Mr Broadbent lamented the "sad tale of our response to people often fleeing terrible, terrible hardship", which was "something that we as a nation have no sympathy for or understanding of".

"Because of our political situation and the narrowness and nearness of every federal election that I've ever been in ... these people, unbeknownst to them, become the football in the contest," he said.

"It's going to take a very strong leader to turn and say enough is enough."

Immigration Minister Peter Dutton has frequently exploited divisions within Labor, especially the dissatisfaction within its left-wing faction, over boats and asylum seekers. But Mr Broadbent's intervention shows unrest exists within the Coalition's own backbench over the ongoing situation on Manus Island and Nauru.

Mr Broadbent said the continued "incarceration" of refugees was unacceptable – a term the government insists is inaccurate, because the processing centres on both islands are "open", and refugees can leave and return.

He told Fairfax Media he was not trying to tell Mr Dutton what to do, but to emphasise the difficult decisions that would soon need to be made as the closure of the Manus Island centre looms on October 31.

"All I'm doing is trying to keep every option open on behalf of the people who have been in indefinite detention," he said.

Mr Broadbent made the remarks at the launch of Bridging Troubled Waters: Australia and Asylum Seekers on Thursday evening.

Labor's shadow immigration minister Shayne Neumann said Mr Broadbent was simply speaking out about the Turnbull government's "abysmal handling of offshore processing on Manus and Nauru".

"His comments are reflective of frustration within the Coalition and concern of the wider community about Peter Dutton's failure to negotiate other third country resettlement options for genuine refugees," Mr Neumann said.

<http://www.theage.com.au/federal-politics/political-news/unacceptable-liberal-mp-russell-broadbent-slams-own-government-over-refugees-20170923-gynccp.html>

### **3. An impossible choice: the Nauru refugee forced to choose between family and freedom**

As the first of the refugees held in Australia's offshore detention are accepted by the US, Arash faces the prospect of being separated from his loved ones forever

The Guardian  
Ben Doherty  
Friday 22 September 2017 04.00 AEST

Arash has never held, never laid eyes on, his infant daughter.

And he fears he may never know her, and may be forced to choose between his child and ever being free.

Arash, an Iranian refugee, is currently held on Australia's offshore detention island of Nauru. His wife was brought from the island to Australia for health reasons when she was pregnant more than a year ago. His daughter was born in Sydney in March.

While the first of the refugees accepted for resettlement in the United States are preparing to leave Nauru within days, Arash faces an indefinite future on the island. And, he says, an impossible choice.

Because he is currently separated from his wife and child, Arash has been told by the Australian Border Force he can apply for US resettlement, but not with his family. He must relinquish all custody of his daughter, border force officials have said. They have sent him a "release of custody" form.

“The ABF said to me officially you have two options: bring your family to Nauru and you can go through the [US resettlement application] process as a family; or your wife and daughter can stay in Australia but you have to give custody of your child to your wife and you will be processed as a single man.

“I have never held my daughter, never looked at her with my own eyes,” Arash told the Guardian. “I was not allowed to be with my wife for our child’s birth, and now they are saying to me ‘you must abandon your family’. And they do it just to be cruel, just to cause pain to me and my family. To be heartless.”

Arash says his wife cannot return to Nauru because of ongoing concerns over her physical and psychological health. And he says he would not contemplate bringing his daughter – who has never left Australia – to Nauru for a chance at a US resettlement offer that, for his family, might never eventuate.

“My wife cannot come back because of a lack of medical support. And my innocent baby: there is no future for her in this hell.”

One of the ramifications of Australia’s hardline asylum policies has been the deliberate separation of families, sometimes for years. Now, with the imminent closure of the Manus Island operation and confirmation that refugees will never be able to settle permanently in Nauru, there is the potential that families might be cleaved forever.

The Guardian understands at least seven parents are separated from their children between Nauru and Australia, as family members are brought to Australia for medical treatment while spouses and parents are left behind.

Arash arrived in Australia from Iran in 2013, fleeing religious persecution because of his Baha’i faith.

He was at sea when the then Rudd Labor government imposed the rule that no boat arrivals would ever settle in Australia.

Arash, a qualified computer network engineer, presented with demonstrable evidence of having been tortured in his home country, and was recognised as a refugee – that is he had a well-founded fear of persecution in his homeland and could not be returned there. The Guardian has chosen not to reveal his last name out of concern for his family’s safety.

In March 2016, Arash married a Somali refugee in a modest ceremony at a friend’s house on Nauru.

The wedding on the island was attended by more than 50 people, officially recognised, and acknowledged by border force officials on Nauru. Arash and Mariam (a pseudonym used in this piece to protect her identity) have a marriage certificate and lived as man and wife in their home.

Mariam soon fell pregnant with their first child.

But as Mariam’s pregnancy progressed, doctors identified significant health risks for mother and baby, far beyond the capabilities of Nauru’s lone, rudimentary hospital. In August 2016, Mariam was flown to Sydney, where she safely delivered their healthy daughter in March this year. Mariam and her daughter remain in the family compound of the Villawood detention centre, in what’s classified as community detention.

Arash, despite repeated requests, has never been allowed to see his daughter.

“This is my first baby in all my life and I was waiting to see this special moment but the Australian government ruined it and they can’t return that moment,” he tells the Guardian from Nauru.

“I have been through a lot of torture by my government and after that Australian government give me more problems and pain. If we died in the ocean was better than be in this situation and they kill us every second mentally and physically. I really don’t know what is my crime to take all this torture and punishment.”

Arash’s latest rejection came from the ABF in July: “As previously advised, transfers offshore are determined on a case-by-case basis and this includes accompanying family members. We again confirm that your request to join your family has not been approved.”

Arash’s time on Australia’s offshore detention island has been, like the experience of many, turbulent. Currently, he has a job on the island, working for one of the settlement organisations, and his refugee status means it is illegal for either the Australian or Nauruan government to forcibly return him to Iran.

But he has been abused, beaten and robbed on Nauru (his complaint to the police did not result in any arrests) and his physical and mental health has suffered. He has previously required psychiatric hospitalisation in Australia and reports from health provider IHMS state he has suffered severe depression and anxiety as a result of being separated from his family. He has attempted suicide on several occasions and has also suffered seizures and, at one stage, paralysis to one side of his body.

FULL STORY AT <https://www.theguardian.com/world/2017/sep/22/an-impossible-choice-the-nauru-refugee-forced-to-choose-between-family-and-freedom>

## 4. 'They are victims': the Indonesians jailed in Australia and their five-year legal battle

For Indonesian lawyer Lisa Hiariej, taking on the Australian government has been a bit like waiting for Godot

The Guardian

Kate Lamb in Jakarta

Tuesday 19 September 2017 04.01 AEST

For Indonesian lawyer Lisa Hiariej, taking on the Australian government has been a bit like waiting for Godot.

It is almost five years since she decided to take legal action on behalf of 115 Indonesians she alleges were wrongly incarcerated as minors in adult prisons and detention centres across Australia. In that time, not once has a government representative showed up to meet her about the case.

At first, Hiariej says, she sought compensation through mediation but, after repeated summons were denied, and a FOI request rejected, she decided to take the government to court, suing it for \$1.3m in a class action lodged in Indonesia.

Somewhat improbably, the central Jakarta district court agreed to hear the case but at each hearing since February “the Australians” have failed to show.

In May, a letter detailing the “doctrine of sovereign immunity” was delivered in court before Hiariej arrived. Drafted by a Jakarta law firm, the letter suggested the Australian government agencies being sued again had no intention of appearing. The case comes to court again on Tuesday.

“September 19 is the last call for the Australians,” Hiariej told the Guardian from a Jakarta cafe. “But even if they don’t come the trial will continue, with or without them.”

Hiariej argues her clients were minors and were lured into working as crew on boats ferrying asylum seekers to Australia. Once arrested by Australian authorities, she says, they were subject to controversial and since discredited x-ray tests that incorrectly determined they were adults.

At the time Australia adhered to a policy that members of people-smuggling crews found to be minors should be returned home. Instead, Hiariej says, her clients were detained for between six months and almost three years, 34 in adult jails and 81 in detention centres. The youngest, she says, having chased down all their birth certificates, was only 14.

Hiariej is suing four government agencies for compensation – the Australian federal police, the Department of Immigration and Border Protection, the commonwealth director of public prosecutions and the attorney general’s department. The Australian embassy in Jakarta was contacted for comment on the claim.

“They are victims, not criminals,” she says. “OK, they broke the law against people-smuggling. Yes, but they didn’t know what they were doing. They are uneducated, you know, some can read, some can’t. They are really super poor. Why didn’t Australia just let them go?”

Hiariej argues that her clients, mostly from parts of Indonesia’s underdeveloped east, such as West Timor and its surrounds, were tricked into working for people-smuggling syndicates, told they would be ferrying tourists or transporting goods and sometimes offered the equivalent of six months’ pay.

Faisal Arysad, now 25, was 15 when he accepted an offer of Rp15 million, more than half a year’s pay, to ferry “tourists” from his home town of Kupang to Java. Intercepted en route, he was taken to a detention centre in Darwin, where an x-ray test showed he was an adult.

“They [the authorities] said, ‘If you are really underage, where are your documents to prove it? You can say anything you like but we need proof.’”

Arysad was then transferred to Arthur Gorrie jail in Brisbane.

“I was scared,” he says, “I cried for a week straight. I just wanted to go home. I woke up every morning and cried.”

In the nine months that Arysad was detained, his lawyer had travelled to Kupang to obtain his birth certificate. When it was shown to the court and his true age was revealed, Arysad was told he was going home.

Days before she is due back in court, Hiariej reels off other details of the case in rapid fire, appearing at once exhausted and energised by a recent ruling she believes could have strong bearing on her claims.

In late July the court of appeal in Western Australia ruled that charges against Indonesian national Ali Jasmin constituted a “miscarriage of justice” and the x-ray tests used to determine his age and subsequent incarceration were “inappropriate, inaccurate and misleading”.

It is now believed Jasmin was only 13 when he was picked up by the Australian navy on an asylum seeker boat in 2009. After pleading guilty to charges of people-smuggling, he spent almost three years in Perth’s maximum security Hakea prison.

Jasmin is not her client but Hiariej believes that, if a court can deem his treatment unjust, the same x-rays tests that led to her clients’ detention should be viewed in the same light.

Hiariej was born in Indonesia but is a permanent resident in Australia. It was a 2012 visit to one of her clients at Sydney’s Silverwater jail that led her into this uncertain legal battle.

Working with an Australian law firm, she was representing an Indonesian man charged with people-smuggling who claimed that an Indonesian minor, Muhammad Rasid, had been wrongfully detained in the same jail.

She met Rasid and four others soon afterwards at Villawood detention centre, where they had been transferred while they waited for their flights home to be arranged.

“It was their idea to bring it to the court,” she says. “They found out that they were not in the wrong, that they were under age and that is why they were going home.”

Hiariej agreed to help and from there her new clients rallied, contacting all the other Indonesians they believed had been wrongfully detained. Before she knew it, her client list had ballooned from five to 115.

Working pro bono, Hiariej says she has poured \$100,000 of her savings into the case because she believes in their fight. Many have been traumatised by being held alongside convicted murderers, paedophiles and drug dealers, she says.

One minor, she says, was particularly terrified after sharing a cell in Blacktown jail with a man who had murdered his whole family.

“He was in that same room and he couldn’t sleep,” she says. “He was just thinking, ‘Oh my god, maybe he will kill me.’ That was very stressful for him.”

Another allegedly returned home only to find his family had already performed his burial rites. Because he had been gone so long, they believed he had died at sea.

If Hiariej wins the case, the \$1.3m in compensation will be divided up. Even a relatively small amount for each client will go a long way in Indonesia, providing much-needed financial help for them to finish school or start a small business.

“I just want justice for them,” she says. “If I don’t fight for them, who will?”

<https://www.theguardian.com/australia-news/2017/sep/19/they-are-victims-the-indonesians-jailed-in-australia-and-their-five-year-legal-battle>

## **5. Australia urged to use influence with Cambodia to stop deportation of refugees**

Cambodia plans to send 29 Montagnard refugees back to Vietnam where they face persecution but advocates say Australia can apply pressure to stop move

The Guardian  
Ben Doherty  
Thursday 21 September 2017 04.00 AEST

Australia has been urged to pressure its refugee resettlement partner Cambodia to halt the “imminent return” of 29 Montagnard refugees back to Vietnam where they face violent persecution.

Twenty-nine refugees from the ethnic and religious minority face deportation back to Vietnam, despite the UN’s refugee agency offering to take the group out of Cambodia, and offer them protection while a permanent third-country resettlement is found.

Australia – as a refugee resettlement partner with Cambodia – has been urged to use its influence with the country’s government to stop the deportations.

Asked on Wednesday about Cambodia’s treatment of refugees in its territory, Australian prime minister Malcolm Turnbull defended his government’s Cambodia arrangement for resettling refugees from the Australian-run offshore detention islands in the southeast Asian country.

Twenty-nine of a group of 36 Montagnard refugees in Cambodia face imminent deportation back to Vietnam, after having their claims for protection rejected by the Cambodian government, the Asia Pacific Refugee Rights Network says. But rights groups and the UN's refugee agency believes the group faces persecution if refouled to Vietnam.

"Their case is considered so strong that the United Nations High Commissioner for Refugees (UNHCR) had previously assisted in brokering a deal that would have seen the group removed from Cambodia in preparation for resettlement to a third country," APRRN said.

"Despite this generous offer, the Cambodian Government has denied exit permits and has reaffirmed its intention to return the group to Vietnam."

The UNHCR "at the highest levels, has written to the Government of Cambodia, at the highest levels, to request that these individuals be allowed to leave Cambodia". It remains "hopeful" the group will be permitted to leave Cambodia.

The Montagnard – also known as Degar – ethnic minority are the people indigenous to Vietnam's central highlands. They face systematic and often violent political and religious persecution at the hands of the state. Over decades, many have fled the country, often over the land border to Cambodia.

Vietnam's treatment of the Montagnard has been condemned on the floor of the Australian parliament.

Since 2014, Australia has had a resettlement arrangement with Cambodia, under which refugees from the Australian-run offshore detention islands of Manus and Nauru can choose to be resettled in the southeast Asian country.

The deal has attracted criticism, over Cambodia's poor human rights record, and for its disproportionate cost for the protection offered. Australia has given an additional \$40m in aid to Cambodia in return for the agreement, and pledged to pay up to \$15m in resettlement costs, but only seven refugees have chosen to go, and, of those, four have abandoned their protection claims and returned to their countries of origin.

But the deal gives Australia influence with the Cambodian government, the Asia-Pacific Refugee Rights Network argues, and has urged the Australian government to intervene with Cambodian minister of the interior Sar Kheng to halt the imminent deportation of the Montagnard refugees.

The group faces "almost certain arrest and persecution" upon return, APRRN says, and "the Australian government has an ethical obligation to do everything in its power to stop such action".

Evan Jones, programme coordinator at APRRN, said if Cambodia returned the Montagnards to Vietnam it would clearly be in breach of the Refugee Convention principle of non-refoulement: that refugees must not be returned to danger.

Paul Power, chief executive of the refugee council of Australia, said Australia had consistently used Cambodia's status as a party to the Refugee Convention to argue in favour of its resettlement deal, "so it must act when Cambodia's adherence to the Refugee Convention is clearly under threat".

"The forced return of the Montagnards would not only undermine Cambodia's reputation for respecting international law but would inflict further damage on Australia's credibility on refugee protection."

Australian Prime Minister Malcolm Turnbull confirmed on Wednesday the Cambodia deal remained current, but that his government continued to seek other 'third-country' resettlement options. "We have an arrangement with Cambodia, and we'll always look at other options... we'll continue to seek opportunities for resettlement. But I want to be very, very clear that the people on Nauru and in PNG will not be settled in Australia."

Cambodia's government faces an election next year and the country is currently seized by a suite of brutal, occasionally violent, anti-democratic measures, as prime minister, and former Khmer Rouge commander, Hun Sen seeks to maintain his three-decade-long grip on power.

Opposition leader Kem Sokha has been charged with treason, independent media has been shut down, and organisations defending human rights attacked or silenced.

Asked about Cambodia's human rights record and whether the country was an appropriate place to send refugees requiring resettlement assistance and support, Turnbull told reporters: "I'm focused on ensuring that we keep our borders secure. We have an arrangement with the US which, as we've just described, is seeing a number of people being resettled there. We welcome that and we thank the United States government for their support."

Australia's other resettlement deal, with the US, accepted its first 50 refugees for resettlement yesterday. About 1600 of the 1700 refugees in Australia's offshore islands have expressed an interest in going to America, but it is not known how many more will be accepted, or when they might go.

<https://www.theguardian.com/world/2017/sep/21/australia-urged-to-use-influence-with-cambodia-to-stop-deportation-of-refugees>

## 6. United Nations 'very confident' Manus and Nauru refugee transfers to US imminent

Canberra Times  
September 19 2017 - 4:50PM  
Michael Koziol

Refugees on Manus Island and Nauru are very likely to begin resettlement in the US within weeks, the United Nations says, despite serious concerns over Australia's withdrawal from Papua New Guinea.

On Tuesday, which marked six weeks until the Manus Island detention facility is due to close, the UN High Commissioner for Refugees told Fairfax Media action on the US deal was imminent.

"I'm very confident that the US will take very significant numbers of refugees from both locations, which we very sincerely appreciate," said Thomas Albrecht, the Canberra-based regional representative of the UNHCR, which has assisted in the process.

"I'm very confident that the first departures will occur in the near future."

Transfers were originally expected to begin in July, but the US reached its refugee quota for the year. The quota resets on October 1.

Senior sources said the US could take more than the 1250 refugees it originally flagged, but public speculation about numbers and dates was unhelpful. Labor MPs indicated they had been briefed to a similar effect.

Mr Albrecht said refugees were at "various stages" of the approval process and movement to the US would be staggered. "It's not going to be one big departure arrangement," he said.

But Mr Albrecht was critical of the coerced removal of refugees from the regional processing centre on the Lombrum naval base to a "transit centre" near Lorengau, further west on the island.

On Monday night, another 15 refugees were handed notices giving them hours to collect their belongings and assemble with administrators by 9am on Tuesday for transfer to Lorengau.

The paperwork, written in Arabic and translated by Fairfax Media, matched a notice given to other refugees last week in English informing them they "must" move at the stated time.

However, Iranian refugee and journalist Behrouz Boochani said most of the men refused to go. "We're used to this kind of letter and this kind of pressure," he told Fairfax Media.

Refugees have been unwilling to leave the RPC voluntarily, largely because of fears for their safety in Lorengau.

Mr Albrecht said the October 31 deadline was "very unhelpful" and the medical and mental health services available in Lorengau were inadequate, especially for a sustained period of time. "It would be in many ways very worrisome that Australia would consider abandoning people there," he said.

Immigration Minister Peter Dutton declined an interview, but last week in Parliament reiterated the Turnbull government's intention to adhere to the October 31 closure date.

He confirmed a meeting with PNG Prime Minister Peter O'Neill on September 1, and said they had discussed sending 200 asylum seekers without refugee status to "an alternative place of detention".

Asked if that meant a PNG domestic jail, a Department of Immigration and Border Protection spokesman said he had nothing to add to the minister's comments and it was a matter for PNG.

Mr Dutton also said the Lorengau centre had capacity for about 400 refugees "and we will work with the PNG government in helping them provide services to those people".

The Guardian reported on Tuesday that among those offered financial assistance to go home were Rohingya asylum seekers from Myanmar, where the ethnic minority faces persecution. The story quoted a 32-year-old Rohingya man who intended to return to Myanmar with \$25,000 he said he had been promised by Australian officials.

Australian financial incentives to return home ended on August 31, although people who applied by that date are still eligible to receive assistance. Refugees who agree to return voluntarily are not considered to have been refouled.

<http://www.canberratimes.com.au/federal-politics/political-news/united-nations-very-confident-manus-and-nauru-refugee-transfers-to-us-imminent-20170919-gyk8ru.html>

## 7. Manus Island and Nauru refugees to learn fate as US set to rule on resettlement

US authorities begin sending appointment slips to refugees but Peter Dutton declines to comment

The Guardian

Ben Doherty

Tuesday 19 September 2017 19.41 AEST

Refugees on Nauru and Manus Island will soon learn whether they have been accepted for resettlement in the US, with the first to receive final determinations Wednesday morning.

Refugees within both of the Australian-run offshore processing centres have been given appointment notices indicating the first meetings will begin in the morning.

The “US deal” – which involves, in return, Australia taking central American refugees currently under US control – was brokered 10 months ago by prime minister Malcolm Turnbull and the then US president Barack Obama.

But no-one has yet been accepted for resettlement.

A spokeswoman for the immigration minister, Peter Dutton, declined to comment saying he would not be making a running media commentary about the US processes.

Hopes for the US deal had been fading on both islands, after the US reached its annual refugee resettlement cap and halted processing earlier this year, and President Donald Trump condemned the deal as “terrible” and “a dumb deal”.

The deal does not oblige the US to accept any refugees for resettlement, only to consider for resettlement up to 1,250. It is not known how many have passed America’s “extreme vetting” process.

Australia’s ambassador for people smuggling and human trafficking Andrew Golezdzinowski told the senate earlier this year the US deal would not resettle enough refugees to see the offshore detention camps closed.

“There will be a balance. There is no question in my mind that there will be some who won’t qualify or who will choose not to go to the US.”

Refugee Action Coalition spokesman Ian Rintoul told the Guardian he was aware of a number of refugees on Nauru receiving appointment times. He said acceptance by the US for resettlement would be “welcome news” for refugees who received it. Most have been on the offshore islands more than four years.

“But however welcome it may be for some refugees, it is also a bitter reminder that the US deal was never the solution that Malcolm Turnbull pretended it to be. The deal does not provide places for all those who need it.

“The hundreds of people who will not be resettled by the US, will continue to be Australia’s responsibility. Their safety, and their future depends on the Australian government bringing them to the mainland.”

The Manus Island detention centre is slated for closure on 1 October and there is increasing pressure being brought to bear on refugees held there, with buildings shut, medical and other services scaled back and withdrawn, cigarettes banned, and power and water shut off, in an effort to encourage resettlement within PNG.

The Nauru processing centre does not have a proposed closure date. But the President of Nauru, Baron Waqa, reaffirmed his country’s position that no refugees would be allowed to permanently resettle in Nauru.

He told the Pacific Islands Forum this month: “we would love to see them find a home, and they will, and they will. They can’t stay on Nauru forever, we’ve made that clear right from the start.”

<https://www.theguardian.com/australia-news/2017/sep/19/manus-island-and-nauru-refugees-to-learn-fate-as-us-set-to-rule-on-resettlement>

## 8. US to accept 54 refugees from Manus Island and Nauru in first intake

Canberra Times

September 20 2017 - 9:50AM

Michael Koziol

Prime Minister Malcolm Turnbull has welcomed an announcement by the United States that it will accept 54 refugees from Manus Island and Nauru under the agreement struck last year with Barack Obama.

The first group of refugees to be resettled in the US will be told in coming days. More are expected to be accepted in the near future under the agreement for about 1250 people to go to the US from both islands.

"This is good news," Mr Turnbull told Channel 7 on Wednesday morning. "There will be about 25 from both Manus and Nauru [who] will be going to the United States. I just want to thank, again, President Trump for continuing with that arrangement."

A US State Department spokesperson told the ABC a "first group" of 54 refugees had been approved for resettlement and more would be accepted in coming months.

Mr Turnbull said a "large number" of refugees were still in the vetting pipeline and it would be up to the US how many people it ultimately accepted.

On Tuesday, the local representative of the United Nations High Commissioner for Refugees, Thomas Albrecht, told Fairfax Media he was very confident the US would ultimately take a "very significant number" of refugees from Manus and Nauru.

Immigration Minister Peter Dutton thanked the US and said the first departures would commence in a matter of weeks.

"The refugees will receive notification of the outcome of their application to resettle under the US refugee admissions program in coming days," he said in a statement released Wednesday morning.

"Processing of other individuals continues and further decisions by US authorities are expected in due course."

Mr Dutton stressed the resettlement arrangement with the US was a one-off deal that would not be available to any asylum seekers who tried to come to Australia now.

Assistant Immigration Minister Alex Hawke told Sky News the development was evidence the government was "cleaning up the mess that we inherited from Labor".

The agreement, struck in 2016 when Mr Obama was US President, was derided by his successor Mr Trump, who famously branded it "the worst deal ever" during a heated phone call with Mr Turnbull in January.

The Prime Minister on Wednesday acknowledged: "President Trump had some reservations about it to say the least, but nonetheless he is honouring that commitment made by his predecessor."

Fairfax Media spoke to refugees on Manus Island on Tuesday after they were informed of appointments with US authorities to be held on Wednesday.

Akash, a 28-year-old Bangladeshi man, said: "I am excited and I'm so happy. I love America. I [do] not dream of Australia, I dream of America."

Many of the refugees have been on Manus Island and Nauru for more than four years since the processing centres were first reopened under the former Labor government.

Since that time, it has been bipartisan policy not to resettle in Australia any refugees who arrive by boat. Refugees have had the option to resettle in Cambodia, but few took up that offer.

<http://www.canberratimes.com.au/federal-politics/political-news/us-to-accept-54-refugees-from-manus-island-and-nauru-in-first-intake-20170919-gykw7o.html>

## **9. MEDIA RELEASE: First Manus refugees to the US this weekend: Now, Stop the Forced Closure**

Wednesday September 20, 2017  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

Three Sudanese refugees on Manus Island have been accepted for resettlement in the US. They will fly to Port Moresby this coming weekend and from there to the US two days later.

"This is good news for these refugees who have been illegally held on Manus for four years," said Ian Rintoul, spokesperson for the Refugee Action Coalition, "But uncertainty hangs over the future of the people on Manus. Even if the US deal is met in full, there are not enough places for all those who need protection. The government should immediately halt its moves to forcibly close the Manus detention centre until there is a safe solution for everyone on Manus Island.

"The forced closure and forced transfers are pushing people into unsafe conditions in Port Moresby and East Lorengau, when there are no plans for ensuring they have a secure future."

The first appointments for Nauru refugees to receive US resettlement answers are scheduled for tomorrow, Thursday, 21 September.

Attached is a photo of Manus refugees checking the detention noticeboard yesterday (Tuesday)

For more information contact Ian Rintoul 0417 275 713

## **10. First group of refugees on Manus and Nauru to be resettled in US**

Australia confirms first of those to be accepted under US deal will be told of the decision this week

The Guardian  
Helen Davidson and Ben Doherty  
Wednesday 20 September 2017 08.07 AEST

A group of refugees detained in Manus Island and Nauru will soon be told they have been accepted for resettlement in the US, the Australian government has confirmed.

The cohort of about 50 people is the first to be accepted by the US government under a deal struck between the former president, Barack Obama, and Australia to take up to 1,250 people.

“Representatives from the United States Resettlement Support Centre have started to provide some refugees with a decision relating to their US refugee admissions program application,” read a sign at the immigration detention centre, which asked people to be patient.

“Every case is different and moves through the required steps of the process at different speeds. This is only the first group of decisions and only some who have expressed an interest in US resettlement will receive a decision at this time.”

A number of detainees have received appointment slips with the USRSC for Wednesday and Thursday. It is not yet clear whether the appointments are all to tell people they have been successful, but prime minister Malcolm Turnbull said at least 50 people would be going to the US.

Turnbull, said about 25 people from Nauru and 25 from Manus would be informed of their upcoming resettlement in the US soon.

“President Trump had some reservations about it but, nonetheless, he is honouring the commitment made by his predecessor and I want to thank you for doing so,” he told the Seven Network.

“There are around 25 on each place, will be offered places in the United States. That’s the advice ... There are many that are being vetted, but it is entirely up to the United States as to how many are taken.”

The Australian immigration minister, Peter Dutton, confirmed the reports on Wednesday morning and said the first group of refugees were expected to depart Manus and Nauru “in coming weeks”.

“Processing of other individuals continues and further decisions by US authorities are expected in due course.”

He said the refugee resettlement process “would not be rushed” and said he would not comment on the matter.

The deal with the US sought to end the indefinite situation for the hundreds of people sent to the offshore immigration detention centres after they attempted to seek asylum in Australia by boat.

Many refugees have spent years in the Australian-run centres, where they have been exposed to violence, death and high rates of mental illness and despair.

Upon taking office Trump balked at the arrangement, which he dubbed a “dumb deal”, but he reluctantly agreed to honour it.

That the deal never required the US to take any refugees – but simply assess them for potential resettlement – sparked some concern, as did an abrupt pause in processing when the US hit its annual immigration cap in July.

The 50 resettlements do not come close to assisting the almost 1,200 people on Manus and Nauru. More than 1,600 – including people who were transferred to Australia for medical treatment – have expressed interest in the US option.

The Australian government has floated a “third country” option for a number of years but appears no closer to finding one other than the US – which will not cover all required placements – or New Zealand, which the Australian government has rejected.

A \$55m deal with Cambodia has largely been seen as a failure, with fewer than 10 transferred there and most abandoning their protection claim after a short time there.

A Refugee Action Coalition spokesman, Ian Rintoul, told the Guardian acceptance by the US for resettlement would be “welcome news” for refugees who received it. Most have been on the islands more than four years.

“But however welcome it may be for some refugees, it is also a bitter reminder that the US deal was never the solution that Malcolm Turnbull pretended it to be. The deal does not provide places for all those who need it.”

The Manus Island detention centre is slated for closure on 1 October and there is increasing pressure being brought to bear on refugees held there, with buildings shut, medical and other services scaled back and withdrawn, cigarettes banned, and power and water shut off, in an effort to encourage resettlement within Papua New Guinea.

The Nauru processing centre does not have a proposed closure date. But the president of Nauru, Baron Waqa, reaffirmed his country’s position that no refugees would be allowed to permanently resettle in Nauru.

<https://www.theguardian.com/australia-news/2017/sep/20/refugees-manus-island-nauru-resettlement-us>

## **11. Peter Dutton's citizenship overhaul derailed by Nick Xenophon Team**

Coalition forced to dump package or make changes after NXT says crackdown an attempt ‘to fix problems that don’t exist’

The Guardian  
Gareth Hutchens

Tuesday 5 September 2017 17.45 AEST

The Nick Xenophon Team has derailed immigration minister Peter Dutton’s attempt to enact tough new citizenship laws, saying it cannot support his controversial package in its current form.

It means the Turnbull government will have to dump its controversial package or make substantial changes, throwing its citizenship crackdown into disarray.

The NXT’s decision follows weeks of public hearings about the government’s legislation, during which senators were warned repeatedly the legislation could deter people from applying for Australian citizenship.

The NXT senator Stirling Griff said that after weeks of hearings it was clear the government’s reforms were an attempt “to fix problems that don’t exist”.

“A number of the witnesses during the inquiry pretty much suggested the legislation was all about One Nation, about the Liberals cosy up to One Nation,” Griff told Guardian Australia on Tuesday. “There are components, yes, that I think with some revision we’d be prepared to support ... but [the bill] definitely needs to be split.”

The Turnbull government had to secure the NXT’s three Senate votes to get its package through the Senate, because Labor and the Greens had vowed to oppose the bill, so it needed the support of 10 out of 12 crossbenchers.

The shadow immigration minister, Tony Burke, welcomed the decision by NXT to reject the government’s bill.

“Labor welcomes the news today that the Nick Xenophon Team will also oppose the government’s harmful and snobbish proposed changes to Australian citizenship legislation,” Burke said on Tuesday.

“This legislation was never about national security, it was never about integration and the government should announce it will not be proceeding with it.

The Turnbull government’s proposed citizenship changes would increase the waiting times for permanent residents before they could apply for citizenship (from one year to four years) and force new applicants to complete a tougher English language test (and achieve a pass mark of 75%) equivalent to level 6 of the international English language testing system (IELTS).

It would also give Dutton the power to overrule decisions on citizenship applications by the administrative appeals tribunal (AAT) if he didn’t think the decisions were in the national interest and give him power to decide whether or not the applicant had integrated into the Australian community.

Griff had warned in June that he was “deeply worried” about the power the bill would give Dutton to overrule citizenship decisions by the AAT without judicial review.

“That’s very much a first,” he said at the time. “We don’t feel comfortable at all with that ... that’s something we certainly won’t be supporting in any form.”

Griff said he was still concerned about that element of the legislation, because it would give far too much power to the executive.

Asked which elements of the legislation the Nick Xenophon Team would support if they were revised, Griff listed the Australian values test, the English language test and the pathways for people to achieve citizenship.

"Those components I think can be easily sorted," he said. "But, as a complete package, in a package that gives the immigration minister and executive unfettered control [over AAT decisions], that's where the whole thing's frightening."

Fiona McLeod, the president of the Law Council of Australia, also welcomed NXT's rejection of the bill.

"I'm pleased that the evidence we gave to the parliamentary committee expressing our concerns has been picked up," she said. "We had grave concerns about the extension of the minister's personal powers to override the AAT. That override seemed to be without justification and erodes the principle of the separation of powers.

"We had a further concern about the retrospective application of the amendments, which are contrary to sound principles about how you design good laws.

"I think this points to the strength of the parliamentary committee process that there's an opportunity for closer scrutiny of pieces of legislation, and it points to the need for government sometimes to consult broadly with interested bodies who can make suggestions about how to improve pieces of legislation."

NXT's announcement comes hours before a parliamentary committee, chaired by the Liberal Queensland senator Ian Macdonald, is expected to recommend the government weaken elements of the legislation, including watering down its proposed English language requirements for people seeking citizenship.

Burke said citizenship "shouldn't be about politics."

"Citizenship is about who we are as a nation and these proposed changes are a direct attack on Australia as a modern multicultural country," he said.

<https://www.theguardian.com/australia-news/2017/sep/05/peter-duttons-citizenship-overhaul-derailed-by-nick-xenophon-team>

## **12. Peter Dutton's Australian citizenship crackdown doomed after key senators pull support**

Canberra Times  
September 5 2017 - 2:45PM  
Michael Koziol

Immigration Minister Peter Dutton's controversial crackdown on Australian citizenship appears doomed, with the crucial Nick Xenophon Team declaring it won't support the plan as it stands.

The proposal, which passed the lower house, would introduce a four-year waiting period for permanent residents, tough English language requirements and a test on Australian "values".

But the changes are set to be blocked in the Senate by Labor, the Greens and now the NXT, which confirmed its position to Fairfax Media on Tuesday.

"We will not be supporting the bill's passage through the Parliament," NXT senator Stirling Griff said. Mr Dutton's plan was "an attempt to fix problems that don't exist", he said.

"We're a nation built on migration and the envy of the world when it comes to a harmonious multicultural society. The system isn't broken, there's no need for it to be repaired."

Senator Xenophon also confirmed: "We've got serious concerns about the bill in its current form."

Senator Griff sat on a Senate inquiry into the proposed citizenship changes, and has authored a report opposing most elements of the package.

Fairfax Media has not seen the report but has been told it recommends the bill not proceed. The NXT will oppose higher-level English language testing, arguing the current citizenship test sufficiently tests English by proxy.

The party also opposes retrospective changes that would require permanent residents to wait four years before applying for citizenship. "It's horrible", Senator Griff said. "You don't backdate everything."

In addition, the NXT objects to Mr Dutton's bid for the power to overturn decisions of the Administrative Appeals Tribunal on citizenship matters, believing it would deny due process.

The minor party is also against capping the number of times a prospective citizen can sit the test, and contends any "values test" should be decided by the Parliament, not Mr Dutton.

Senator Griff claimed the package was an attempt to "chop the migration numbers in half without actually making an announcement that you're going to cut it".

Asked if there was any room for negotiation, he said: "I don't think there's any room if this is a complete package."

A spokesman for Mr Dutton said: "The government is discussing the bill with the crossbenchers as is normally the case."

It is understood Labor and the Greens have not budged from their stated positions of opposing the bill outright.

The surprise position from the NXT - whose votes are essential for the government to pass any bill opposed by Labor and the Greens - will force the Turnbull government to dump the proposal or go back to the drawing board.

Prior to the Senate inquiry, Senator Xenophon flagged his "broad support" for the measures announced by the government, but did express some concerns about English language testing.

Fairfax Media understands Liberal Party senators will also express reservations about some aspects of Mr Dutton's bill in their report, to be published Tuesday afternoon.

Committee chair Ian Macdonald, a LNP senator from Queensland, last week said he had concerns about the retrospective aspects of the four-year waiting period, among other issues.

The Department of Immigration and Border Protection confirmed at a public hearing that anyone who applied for citizenship after the policy was announced on April 20 would be captured by the new rules.

"The government were quite clear that they wanted it from date of announcement," the department's first assistant secretary David Wilden said.

Senator Macdonald lamented that "unfortunately, government by media release ... is nowadays just a fact of life". "I personally think that there should be some ministerial discretion ... in the transitional period," he said.

<http://www.canberratimes.com.au/federal-politics/political-news/peter-duttons-australian-citizenship-crackdown-doomed-after-key-senators-pull-support-20170905-gyb1ls.html>

### **13. Senate gives Peter Dutton four-day deadline to present citizenship bill**

Senators vote to support Greens motion to strike bill off the Senate notice paper if it is not offered for debate within four sitting days

The Guardian  
Gareth Hutchens  
Wednesday 13 September 2017 18.30 AEST

Peter Dutton's controversial citizenship plans have suffered another serious blow, with the Senate giving him four sitting days to put his bill up for debate, otherwise it will be struck from the Senate notice paper.

If Dutton fails to allow his bill to be debated by then, the government will have to move a motion in the Senate to restore the bill to the notice paper, and it may not get Senate support.

It is a major embarrassment for the Turnbull government. A majority of Senators – Greens, Labor, the Nick Xenophon Team, and Jacqui Lambie – supported the motion on Wednesday.

The motion passed 32 to 29. It was moved by Greens senator Nick McKim, with an amendment from Lambie.

Lambie's amendment gave the government until 18 October – the Wednesday of the next sitting week – to bring the bill on for debate. The Greens originally wanted to strike the bill from the notice paper immediately.

The Greens say they are tired of Dutton telling voters how crucial his citizenship bill is while simultaneously withholding it from the Senate so it can't be debated, so they have now successfully pressured him to bring the bill on for debate by the first Wednesday of the next sitting week.

According to the parliamentary library, the last time a government lost control of the notice paper in this way may have been in 1995, when WA Greens senator Dee Margetts successfully moved to discharge a government bill.

The move comes less than a week after the Nick Xenophon Team derailed Dutton's attempt to enact his tough new citizenship laws, saying it could not support his controversial package in its current form.

It meant the Turnbull government had to dump its controversial package or make substantial changes, throwing its citizenship crackdown into disarray.

The NXT's decision followed weeks of public hearings about the government's legislation, during which senators were warned repeatedly the legislation could deter people from applying for Australian citizenship.

The NXT senator Stirling Griff said that after weeks of hearings it was clear the government's reforms were an attempt "to fix problems that don't exist".

"A number of the witnesses during the inquiry pretty much suggested the legislation was all about One Nation, about the Liberals cosying up to One Nation," Griff said last week.

"There are components, yes, that I think with some revision we'd be prepared to support ... but [the bill] definitely needs to be split."

NXT senator Skye Kakoschke-Moore told the Senate on Wednesday that if the citizenship bill did come up for debate, the NXT would oppose it in its entirety "because it's fundamentally flawed and would require significant redrafting for us to consider it".

"The government needs to go back to the drawing board on this," she said. "As Senators, it is incumbent upon us to do the job we've been elected to do which is debate and vote on bills before us.

"This part of a healthy democracy," she said.

<https://www.theguardian.com/australia-news/2017/sep/13/senate-gives-peter-dutton-four-day-deadline-to-present-citizenship-bill>

## **14. Australia condemned for trying to make asylum seekers 'homeless and destitute'**

Turnbull government's decision to withdraw financial support and housing draws complaints to UN rapporteurs

The Guardian  
Ben Doherty  
Monday 11 September 2017 04.00 AEST

Australia's sudden decision to withdraw financial support and housing from a group of asylum seekers and refugees in Australia has drawn international criticism and formal complaints to three senior rapporteurs at the United Nations.

It has also inspired a public pledge by the Victorian government to house, feed and financially support any refugees and asylum seekers left homeless or destitute by the commonwealth's decision.

Last month, the immigration minister, Peter Dutton, announced the imposition of a new "final departure bridging visa" for refugees and asylum seekers brought to Australia from Nauru or Manus for medical treatment.

So far, 63 asylum seekers and refugees across Australia have been issued with the new visa – they have had all government financial support ended and face eviction from government-supplied housing in one week.

But it is understood up to 400 people – including families with infant children born in Australia – face having government support withdrawn in an effort to encourage them to abandon their protection claims, or return to Australia's offshore detention islands of Manus and Nauru.

In response, the Human Rights Law Centre in Australia and the Geneva-based Global Initiative for Economic, Social and Cultural Rights are set to send urgent submissions to three United Nations special rapporteurs: on the right to adequate housing; on extreme poverty and human rights; on torture and other inhuman or degrading treatment or punishment.

The UN's special rapporteurs hold mandates from the United Nations Human Rights Council, the powerful UN body to which Australia is seeking election in November.

The joint submissions call on the rapporteurs to urge the Australian government to abandon the final departure bridging visas, reinstate housing and income support, and allow those seeking asylum to apply for refugee status in Australia. It also asks the rapporteurs to publicly condemn the government's actions.

“The purpose and effect of these government actions is to cut off vulnerable people from basic supports as a means of pressuring them to return to a place where they fear serious physical and/or psychological harm,” they say.

“The government actions risk rendering affected people homeless and destitute as they will have no income support and little chance of finding work to provide for their food, housing, clothing and other basic needs.”

The submissions argue the government’s imposition of the final departure visa is a breach of its international obligations under several international treaties, including the convention against torture and other cruel, inhuman or degrading treatment or punishment.

Lucy McKernan, Geneva representative for the Global Initiative for Economic, Social and Cultural Rights, told the Guardian rendering people deliberately destitute was a flagrant breach of human rights.

“Subjecting vulnerable people to deliberate destitution is morally and legally indefensible. It is also embarrassing to Australia as it trumpets its credentials as a candidate for the UN Human Rights Council.”

McKernan said forcing people into poverty was “deeply harmful” to them.

“It also deeply harms Australia’s claim to be a principled protector of human rights.”

Daniel Webb from the Human Rights Law Centre said the new visa regimen forced refugees and asylum seekers to face an invidious choice.

“Dutton is forcing people to choose between destitution here or danger and abuse elsewhere,” he said. “Essentially, they are being starved out.

“It’s awful. People are panicking every time the phone rings. They’re terrified of being kicked out on to the streets. These men and women were just starting to rebuild their lives in our communities. Now suddenly they’ve been completely cut off and are a week away from potential homelessness.”

The submissions follow an announcement by the Victorian premier, Daniel Andrews, that the state government would provide \$600,000 for a housing fund to cover accommodation costs, as well as financial assistance to cover food, clothes, public transport and medicine.

“Malcolm Turnbull might be prepared to stand by and let these families starve while they wait to leave Australia but we won’t,” Andrews said. “We’re making sure these families will have a roof over their head, clothes on their back and food on the table.”

The description of a bridging visa as a “final departure bridging visa” has not previously been a part of the Australian asylum system.

Dutton said that the government brought the changes to stop asylum seekers and refugees brought to Australia from Australian-run offshore immigration centres for medical treatment from exploiting the asylum system.

“The con is up,” he said. “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. 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.

Dutton accused lawyers who assisted asylum seekers and refugees exercising their legal rights before the courts of being “un-Australian”.

The Guardian understands 63 people across Australia have been issued with the new final departure bridging visa, most in Victoria (26), and New South Wales (19).

Under the new visa, valid for six months, asylum seekers and refugees immediately lose all government payments – currently \$200 a fortnight – and are given three weeks to leave government-supplied housing.

FULL STORY AT <https://www.theguardian.com/australia-news/2017/sep/11/australia-condemned-for-trying-to-make-asylum-seekers-homeless-and-destitute>

## 15. Andrews government to give housing, food to asylum seekers facing homelessness

Sydney Morning Herald  
September 8 2017 - 10:38PM  
Benjamin Preiss

Asylum seekers will receive housing, food and other necessities from the Victorian government after the Commonwealth cut off their support.

The Andrews government will provide \$600,000 for the asylum seekers living in Victoria so they "don't starve on the streets".

The federal Coalition government has cut income and accommodation support for up to 400 asylum seekers in Australia, Fairfax Media revealed last month.

The asylum seekers had been brought to Australia for medical treatment from offshore detention, including some family members of patients. But the federal government's decision means they will be transferred to final departure visas and eventually forced to leave the country.

The new visa conditions resulted in the asylum seekers losing federal income payments and they were given three weeks' notice to vacate their accommodation.

The federal government had also expected the asylum seekers to sign a Code of Behaviour.

However, the state Labor government has confirmed it will establish a housing fund to cover accommodation costs and keep people in their current houses if possible.

It will also pay for other necessities, including food, clothes, myki cards and medicine.

Case workers will be provided for those who need additional help with the intention of maintaining existing relationships with support workers and community organisations.

The support measures will be available immediately.

Premier Daniel Andrews lashed out at the federal government for its treatment of the asylum seekers.

"Malcolm Turnbull might be prepared to stand by and let these families starve while they wait to leave Australia – but we won't," he said.

The state's support package comes after Mr Andrews wrote to the prime minister last year offering to take "full responsibility" for asylum seekers who faced being sent back to Nauru.

Human Rights Law Centre believes just over 60 asylum seekers had already moved onto the new regime, including 26 in Victoria.

But the Andrews government expects that number will soon surpass 100.

Human Rights Law Centre legal advocacy director Daniel Webb said the men and women issued with new visas had just started rebuilding their lives in Australia.

"Now suddenly they've been completely cut off and are a week away from potential homelessness," he said. "The [federal] government is forcing them to choose between destitution here or danger and abuse elsewhere. Essentially, they are being starved out."

The hundreds of people who had not yet been forced onto the new visas were terrified, Mr Webb said.

"It's awful. They panic every time the phone rings."

Comment has been sought from Immigration Minister Peter Dutton's office.

<http://www.smh.com.au/victoria/andrews-government-to-give-housing-food-to-asylum-seekers-facing-homelessness-20170908-gydu8n.html>

## 16. More states could help asylum seekers denied welfare by Coalition

NSW only state not prepared to follow Victoria, which announced \$600,000 to assist asylum seekers who were cut off income and accommodation support

The Guardian  
Helen Davidson  
Monday 11 September 2017 19.17 AEST

Australian state governments are not ruling out following Victoria's lead in offering assistance to asylum seekers who have had their support cut off by the federal government.

Documents leaked in August revealed a federal government plan to cut income and accommodation support for a number of single asylum seekers in Australia by placing them on a bridging visa in an attempt to encourage them to return to Manus Island and Nauru.

At least 63 have been since transferred to the "final departure bridging E visa" and had their \$200-per-week welfare assistance cut from the 28 August. They were given three weeks to move from government assisted housing.

"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," an information document said.

In response the Daniel Andrews-led Labor government last week announced a \$600,000 package to assist affected asylum seekers residing in Victoria.

The package covered housing, basic food, medical, clothing and transport expenses, as well as funding for caseworkers, and was praised by refugee organisations.

The federal government, which has defended its decision, refused to respond to Andrews' announcement.

Guardian Australia has since contacted the relevant state governments, and only New South Wales appeared to rule out providing the same assistance.

"The determination of support payments to asylum seekers on bridging visas is a matter entirely for the commonwealth," said a spokesperson for the NSW multicultural department, which already provides a range of services for NSW-based asylum seekers.

The Queensland government also already provides state-funded assistance to asylum seekers, but said it would "continue to monitor the situation" and work with partner organisations.

A spokesman for the WA premier, Mark McGowan, said their understanding was that most of the impact would be on families in Victoria and NSW. However, he added: "We need to assess the matter further and we're currently looking to see what avenues are available."

The South Australian government also refused to rule out providing assistance if it was needed, however a spokesman for the minister for communities and social inclusion, Zoe Bettison, said they believed there were only two men currently affected by the cut and both had found assistance from community organisations and gained employment.

While it appeared only single individuals were targeted initially, government fact sheets indicate the move is expected to affect about 400 people who are in Australia after being transferred from Manus Island or Nauru for medical treatment, of which 367 are being assisted by the Human Rights Law Centre.

The majority of people are in Victoria, with large portions in New South Wales and Queensland. It's not thought there are any members of the group in the ACT, Tasmania or the Northern Territory.

In making last week's announcement Andrews accused the federal government of forcing people on to the streets to "freeze, languish and starve".

"They deserve our respect and our compassion. And if our country can't provide it, then our state will," he said.

The Human Rights Law Centre welcomed the Victorian government's announcement and said the other states' responses were promising.

"When Peter Dutton threatened to rip these people from the community and deport them back to harm in February last year we saw churches, state premiers and the Australian community all take a stand and force him to back down," said the centre's director of legal advocacy, Daniel Webb.

"We're seeing a similar response again."

Webb said the Andrews government move would ensure asylum seekers would not be destitute in Victoria, but hundreds of others remained in “an incredibly precarious situation”.

“They’ve been getting on with rebuilding their lives in the community – some for several years – but they’re now terrified that one day soon the immigration minister will force them to choose between destitution here or danger and abuse elsewhere,” he said.

“Really, the sensible and compassionate thing to do is to let them stay and get on with rebuilding their lives in freedom and safety.”

<https://www.theguardian.com/australia-news/2017/sep/11/more-states-could-help-asylum-seekers-cut-off-welfare-by-coalition>

## 17. Peter Dutton introduces bill to ban phones from immigration detainees

Immigration minister would determine by legislative instrument what constitutes a ‘prohibited thing’ inside detention centres

The Guardian

Helen Davidson

Wednesday 13 September 2017 18.24 AEST

Following a failed court battle to allow detention centre guards to confiscate phones from detainees, Peter Dutton has introduced legislation banning phones and other items he considers to pose a “risk”.

The draft bill introduced on Wednesday would allow the immigration minister to determine by legislative instrument what constitutes a “prohibited thing” inside detention centres, said an explanatory memorandum.

It would also give officers and “assistants” more warrantless search powers, and allow the use of detection dogs to screen detainees and visitors.

As well as illegal items such as narcotics and child-abuse material, items that might be banned for posing a risk to “the health, safety or security of persons in the facility, or to the order of the facility” included phones, sim cards, electronic devices, medications and healthcare supplements, and certain publications or material that could incite violence, racism or hatred.

Dutton claimed phones enabled criminal activity within the centres, and a story published in the Daily Telegraph on Wednesday detailed some incidents, including an alleged attempt to organise a contract killing by a bikie detained on Christmas Island.

Dutton said about half the detention population were non-citizens who have had their visas cancelled.

“These cohorts have significant criminal histories like child sex offences, or links to criminal gangs such as outlawed motorcycle gangs and other organised crime groups, or they represent an unacceptable risk to the Australian community,” Dutton said.

“These criminals often have serious behavioural issues and pose a critical threat to the health, safety, security and good order of the detention network.”

However, the amendment would also affect the population of asylum seekers, including children, held in detention.

“If the minister is concerned about the criminal use of mobile phones then he needs to separate vulnerable individuals who come to Australia for protection from those alleged criminals,” said George Newhouse, human rights lawyer and principal solicitor for the National Justice Project.

“This just highlights the inappropriateness of the minister’s policy to mix asylum seekers with what he calls hardened criminals.”

Newhouse said there were elements of the bill that couldn’t be criticised, such as the crackdown on drugs and child-abuse material, but mobile phones were a “lifeline” for asylum seekers needing to contact family, advisors and advocates.

Newhouse described the moves to allow the use of detector dogs to screen detainees and visitors, and strengthening the powers to search rooms, medical areas, storage places and the belongings of detainees without a warrant, as “all part of the minister’s continuing policy of criminalising asylum seekers”.

One asylum seeker who had recently spent time in detention told Guardian Australia she had never witnessed phones used for anything other than contacting family, advocates and lawyers.

“For people who are in detention, it seems like they’re living in a separate world, it’s like a prison with no access to anyone or anything. It keeps them in the dark,” she said.

“By having a phone they’re able to get the latest on what’s happening, they can stay in touch with their family and keep connected to communities. At the very least they can feel like they’re alive, and be in touch with people outside the detention centres.”

The asylum seeker said during searches in detention detainees were treated “like we were animals or worse”.

“They’d step on everything we had – bedding, clothes – with their shoes and make us feel worthless. That was the worst part. When we complained or objected they’d say we had no right to make an objection because we were criminals.”

Natasha Blucher, detention advocacy manager at the Asylum Seeker Resource Centre, said there were major concerns around the use of dogs and increased search procedures on families, on potentially traumatised people.

“Search procedures are already very intrusive and disrespectful of people, they make them feel intimidated.”

Last month the full bench of the federal court rejected a jurisdictional challenge over a February injunction against immigration officers confiscating the mobile phones of detainees. The court case was brought on behalf of about 80 detainees.

“It appears the government is legislating to get around a court decision they’ve found unfavourable,” said Blucher.

“This appears to be touted as a security increase that’s justifiable with the changing population in immigration detention but he wants to apply it in [alternative places of detention] and [immigration transit accommodation] where families and children are held.”

Blucher also raised concern about Dutton seeking further discretionary powers for himself, as he already held more than any other minister in government.

The explanatory note said people would still be able to maintain connections to family through landlines, fax and regulated internet access.

In August, Newhouse said the suggestion that landlines were an adequate replacement “was a joke”.

<https://www.theguardian.com/australia-news/2017/sep/13/peter-dutton-introduces-bill-to-ban-phones-from-immigration-detainees>

## **18. MEDIA RELEASE: Port Moresby refugees protest phone card cuts**

Tuesday September 5, 2017

Refugee Action Coalition

Ian Rintoul

mobile 0417 275 713

Refugees transferred to Port Moresby for medical reasons staged "Day 1" of protest action outside the Australian Border Force office at the motel where they are being held (photo attached).

They are protesting the latest move by Border Force to cut them off services and support. A notice put on the wall of the motel on Sunday 3 September (photo attached) announced that phone cards would no longer be available for refugees held at the motel, from today, Tuesday 5 September.

The withdrawal of phone cards from the refugees in Port Moresby follows similar recent cuts to phones and phone cards on Manus Island.

There are now well over 100 refugees and asylum seekers at the motel, supposedly transferred for medical reasons. But it has become obvious that many of the supposed medical transfers are simply a way of getting refugees off Manus Island.

Some refugees, fearful of being dumped and left homeless in Port Moresby, have refused to be transferred from Manus Island because they do not have medical issues. Attached is a photo of one of the "medical" transfers from Manus to Port Moresby in handcuffs, on 29 August.

Meanwhile protests continue at the Manus detention centre against the forced closure of compounds, cuts to activities and services, and the long term detention. Today marked the 35th day of protest (photo attached).

Yesterday, Manus asylum seekers and refugees were told that the number of points they are given to use at the detention centre canteen has been further cut from 39 to 34 points.

"Peter Dutton is using the same tactics on Manus that he is using against the refugees who have been transferred from Manus and Nauru to Australia for medical treatment," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"On Manus, and in Port Moresby, he is cutting points, and cutting goods from the canteen, while he is pushing them out of accommodation blocks. In Australia, he has cut their income and depriving them of housing.

"Bereft of policies, left with egg on his face because he is unable to settle anyone in PNG or the US, Dutton is reduced to spiteful standover tactics, pushing defenceless people around because he can. It's pathetic. Another sign that the government is on the way out."

For more information contact Ian Rintoul 0417 275 713

## **19. Manus Island: judge approves \$70m compensation for detainees**

Lawyers hope to have sum paid before offshore detention centre closes next month in what is Australia's largest human rights class action settlement

The Guardian  
Ben Doherty  
Wednesday 6 September 2017 11.05 AEST

A judge has approved a \$70m compensation payout to current and former Manus Island asylum seekers and refugees over their illegal detention in dangerous conditions in what is Australia's largest human rights class action settlement.

Victorian supreme court justice Cameron Macaulay said on Wednesday he had approved the settlement reached with the Australian government and operators of the Manus Island regional processing centre.

Lawyers hope to be able to get the compensation paid to current and former Manus Island detainees before the offshore immigration detention centre closes at the end of October.

The Australian government settled the landmark class action in June rather than proceed with a six-month trial. Had the matter gone to trial, the court would have heard evidence from detainees detailing deaths inside the detention centre, allegations of systemic sexual and physical abuse, and allegations of inadequate medical treatment leading to injury and death.

The court heard earlier some asylum seekers and refugees still held on Manus Island believed the \$70m figure was too low and did not address their ongoing plight or resolve their situation.

One hundred and sixty-four objections were lodged to the settlement by members of the class action, most of those from men still held on Manus. However, 145 of those objectors have registered to participate in the settlement on approval by the court.

About 70% of the 1,923 members of the class action – who represent the majority of people detained on the island since 2012 – have so far registered to be part of the settlement. Detainees must register their claims by 13 October to receive their share.

No money can be paid until the end of a 28-day appeal period, which begins now that Macaulay has approved the settlement.

Outside court Rory Walsh, principal lawyer at Slater and Gordon which ran the class action, said the judgment gave the lie to the "fiction" that Australia was not in charge of its offshore detention regime. He said Australia should end the uncertainty for those still held on offshore islands.

"What we wanted to establish in the case ... is put an end to the fiction the commonwealth seeks to maintain for political purposes that PNG holds these people, PNG has a duty of care to these people.

"We didn't sue the PNG government. We sued the commonwealth of Australia and their subcontractors and we said 'you've got a duty of care'. The commonwealth did not want that tested in a court of law. The commonwealth settled this case and paid \$70m not to have that fiction tested in court. We think that fiction is now at an end and the commonwealth has a duty to these people and ought to discharge that duty by treating them fairly."

Walsh also paid tribute to the lead plaintiff, Iranian-born Majid Kamasae, who is now living in Australia but whose refugee status determination has still not been resolved.

"It takes a hell of a lot to put your hand up, put your case before the world ... He was very able, very intelligent, very engaged. The interests of the group were clearly central to all of his instructions he gave us and, without him, this proceeding simply wouldn't have been possible."

Behrouz Boochani, a journalist and Iranian refugee being held on Manus Island who has written extensively about the conditions there, told the Guardian the compensation payout was welcomed but had not resolved the insecurity of those held on the island.

"The people are worried because we don't know how they will pay this amount. We don't have the right to have a bank account and the Australian Border Force has ordered PNG immigration to prevent us from opening an account.

"Another thing: the refugees have never been happy with this amount because it can not cover all of the suffering of four years being in prison for no reason. Still we are suffering and still we are in prison but the case did not cover this."

When news of a settlement emerged in June, the immigration minister, Peter Dutton, said the government's decision was "prudent" and averted a lengthy and costly trial and dismissed Slater and Gordon as an "ambulance-chasing law firm".

The former prime minister Tony Abbott called the decision "a windfall for people who unfairly took advantage of our nation's generosity".

"I don't think this is the sort of case that should have even got to court, let alone resulted in this kind of a settlement," he added.

He also condemned the judges involved in the case, despite the settlement being negotiated between the government's and plaintiff's lawyers. "We've got a judiciary that takes the side of the so-called victim rather than the side of common sense."

Papua New Guinea's supreme court ruled in April last year the detention centre was "illegal and unconstitutional".

The 166-page statement of claim in the class action detailed systematic physical and sexual assault of detainees, inadequate medical care leading to deaths, high rates of suicide and self-harm, and regular outbreaks of violence, including the three-day riots of February 2014 in which more than 70 asylum seekers were seriously injured and Reza Barati was murdered by guards.

<https://www.theguardian.com/australia-news/2017/sep/06/judge-approves-70m-compensation-for-manus-island-detainees>

## **20. Court approves \$70 million compensation payout to Manus Island detainees**

Canberra Times

Wednesday 6 September 2017

Michael Koziol

The Turnbull government will pay \$70 million compensation to refugees and asylum seekers detained by Australia at Manus Island, after a Victorian court officially approved the settlement on Wednesday.

Law firm Slater and Gordon said it was believed to be the largest human rights class action settlement in Australian history, brought on behalf of 1923 asylum seekers held on the island between 2012 and 2014.

Victorian Supreme Court Justice Cameron Macaulay declared the \$70 million payout "a fair and reasonable sum", which should be distributed urgently given the Manus Island centre is due to close next month.

The refugees and asylum seekers involved in the class action claimed they suffered physical and psychological injury as a result of the conditions of their detention in Papua New Guinea.

They also made a claim of false imprisonment, following a PNG Supreme Court ruling last year that declared their ongoing detention breached the PNG constitution.

The Turnbull government agreed on a provisional settlement in June – of \$70 million, plus an estimated \$20 million in costs – which was formally approved by Justice Macaulay on Wednesday.

The compensation will not be distributed evenly but according to a points system based on how long the person was detained on Manus and what injuries they sustained.

Justice Macaulay acknowledged the formula would be "regrettable" to some detainees who spent less time in detention, but said it was equitable overall.

In June, Immigration Minister Peter Dutton said the decision to settle was not an admission of liability or wrongdoing, but was preferable to a lengthy and expensive trial.

"An anticipated six-month legal battle for this case would have cost tens of millions of dollars in legal fees alone, with an unknown outcome," Mr Dutton said at the time.

"In such circumstances a settlement was considered a prudent outcome for Australian taxpayers. The Commonwealth strongly refutes and denies the claims made in these proceedings."

Speaking on Wednesday after the payout was confirmed, Slater and Gordon practice group leader Rory Walsh said he was "very pleased" with the court's decision and the speed of the outcome.

He said 70 per cent of the original 1923 claimants had signed on to the settlement – "very high for a class action" – and he expected that number to grow before registrations close on October 13. Less than 10 per cent of the group raised objections to the settlement.

"Of course there's no amount of compensation that would properly compensate these people for what has happened to them," Mr Walsh told Fairfax Media.

"We were acutely aware that these people have been treated terribly and in a very high-handed way," he said. "There was always going to be some people who don't agree with the settlement, that's the nature of class action".

Refugees who spoke to Fairfax Media from PNG on Wednesday were sceptical about the promised payout.

Behrouz Boochani, an Iranian refugee and journalist at the Manus RPC, queried how the compensation could be provided, because: "we don't have the right to have bank accounts in this country".

"The refugees are not happy with this money because it cannot cover more than four years' suffering," he said. "They accepted this settlement because they thought [they] don't have any choice."

Ben Moghimi, an Iranian refugee who is currently among a group of about 100 men transferred to a hotel in Port Moresby, said the payout could not compensate for his pain or the deaths of his friends.

"No amount of money could return back how I suffered in past years by [the] Australian government in here, and I am still suffering," he told Fairfax Media.

"Many of [the] guys here aren't happy about this but everyone is sick mentally so they had no choice so they had to accept it. I can see [from] the faces here that people are not happy with this."

Mr Walsh said Slater and Gordon was investigating how money could be transferred to the men on Manus, or held in their name, and it was confident of doing so.

Justice Macaulay said he was satisfied the lawyers would take steps to ameliorate that issue.

<http://www.canberratimes.com.au/federal-politics/political-news/court-approves-70-million-compensation-payout-to-manus-island-detainees-20170906-gybpjy.html>

## **21. Manus Island detainees' \$70m compensation settlement approved**

ABC News Online  
Wednesday September 6, 2017

A compensation deal from the Australian Government worth \$70 million for 1,300 current and former detainees on Manus Island has been approved by Victoria's Supreme Court.

The group of asylum seekers and refugees were compensated for being illegally detained between 2012 and 2016, and for negligence in how the Government housed and protected them.

The deal is the largest human rights settlement in Australian legal history.

The agreement was reached out of court in June just as a trial against the Commonwealth and security companies Transfield and G4S was due to start.

The group alleged the Commonwealth breached its duty of care by holding them in conditions that did not meet Australian standards.

During the period of their incarceration there was also a riot that resulted in the death of an asylum seeker and serious injuries to other detainees.

They also said they were falsely imprisoned after Papua New Guinea's Supreme Court ruled their detention was illegal.

Of the 1,923 detainees who were eligible for compensation, 1,383 have registered to be part of it.

Some of those who have not registered are yet to be contacted or are still in negotiations to join, but 56 have opted out.

Justice Cameron Macauley said the compensation would allow lawyers to allocate money to reflect each applicant's personal circumstances.

"I am comfortably satisfied that the amount of \$70 million amongst participants is a fair and reasonable sum," Justice Macauley said.

"This is reached with a strong degree of conviction."

### ***Asylum seekers 'denied refuge and protection'***

The Federal Government wants to close the Manus Island centre by the end of October. About 800 people — all men — remain on the island.

Slater and Gordon, which led the legal action, said it hoped the detainees would get their money before the closure.

"These people came here seeking refuge and protection, this was denied by successive Commonwealth governments. Today, they achieved a medium of justice," lawyer Rory Walsh said outside court.

"[We wanted] to put an end to this fiction the Commonwealth seeks to maintain for political purposes that it's PNG [that] holds these people, that PNG has the duty of care for these people.

"The Commonwealth settled this case and paid \$70 million not to have that fiction tested in court."

The Federal Government has not responded today, but previously said the case was settled because it was a more prudent option than proceeding with an anticipated six-month trial, which was expected to cost tens of millions of dollars in legal fees.

### ***Money won't stop the suffering, Manus detainee says***

One of those eligible to receive the compensation, Iranian refugee Amir Taghinia, isn't happy with the deal.

The 24-year-old is one of 56 detainees who've decided to opt out of the payment.

He told AM the money will do nothing to get him and 800 others off Manus Island.

"Getting that money is not the issue. It is not the matter of the amount of money, it is not a matter of the lesser of two evils or something better than nothing," he said.

"We are still in the same situation, we are still suffering from the same conditions, under the cruel regime of the defendant, and the case is finished, the case says 'yeah, that's it, it is already settled'."

"It is absolutely not in favour of any of the detainees in here, but it is in favour of the law firm and the defendant."

Andrew Baker from Slater and Gordon said most of the detainees were happy with the outcome.

"It's rare in any class action to have a completely uniform response across the entire group," he said.

"So if people are feeling like a better outcome would have been something else, or feel like something different should have occurred, we certainly respect that."

Mr Baker rejected claims from some detainees that the law firm pursued the case for self-promotion or for money.

<http://www.abc.net.au/news/2017-09-06/manus-island-detainees-settlement-with-commonwealth/8876934>

## **22. Group of Manus Island asylum seekers believes \$70m compensation too low, court told**

Court told objectors believe settlement would not resolve plight of those on Manus or those awaiting refugee status

The Guardian  
Australian Associated Press  
Monday 4 September 2017 14.45 AEST

Some Manus Island asylum seekers believe a \$70m compensation settlement is too low and does not address their ongoing plight, a court has heard.

About 70% of the 1,923 group members in the class action, who represent the majority of people detained on Manus Island since 2012, have so far registered to be part of the settlement.

There have been 164 objections to the settlement with the Australian government and centre operators, the Victorian supreme court heard on Monday.

The objections primarily came from men still held at the offshore immigration detention centre, said the independent counsel assisting the court, Michael Rush.

Rush said the objections included that the \$70m settlement sum was, in all the circumstances, too low. He said another objection was the settlement did not resolve the ongoing plight of group members on Manus Island or those whose claims for refugee status were still to be determined.

Others wanted the conditions at the Manus Island regional processing centre to be made public, Rush said in outlining the objections.

"This case provided an opportunity for the public exposure of the circumstances and events that took place on Manus Island and the effect of those events on those who are there," he said.

The objectors argued the case should not be settled and a trial should go ahead. They also objected to the government and centre operators settling the case without any admission of liability.

The court heard 145 of the 164 objectors have registered to participate in the settlement should it be approved by the court.

The legal firm Slater and Gordon hopes to get the money paid to the asylum seekers before the Papua New Guinea centre closes at the end of October.

Barrister Fiona Forsyth said the urgency to get the money distributed to group members before the centre closed remained.

"There's still the same urgency for group members, which has been one of the driving forces behind this settlement, to seek to obtain a fair and reasonable outcome for group members as quickly as possible," Forsyth said.

The government has also announced that asylum seekers transferred to Australia for medical reasons face being stripped of their welfare payments and government-supported housing.

Forsyth said that added some urgency for that group in receiving their share of the settlement.

The commonwealth's barrister, Chris Blanden QC, said the current instructions from the government were that the centre would close by the end of October.

<https://www.theguardian.com/australia-news/2017/sep/04/group-of-manus-island-asylum-seekers-believe-70m-compensation-too-low-court-told>

## **23. Manus Island refugees and asylum seekers say \$70m payout 'not enough'**

ABC News Online

By Papua New Guinea correspondent Eric Tlozek

Wednesday September 6, 2017

Refugees and asylum seekers who will receive compensation for being illegally detained on Manus Island have said they are unhappy with the \$70 million settlement as concerns are raised some may have difficulty accessing the money.

Victoria's Supreme Court approved the settlement between the Australian Government, detention centre manager Broadspectrum and security companies G4S and Wilson Security, to the 1,923 men detained on Manus Island between 2012 and 2016.

So far, more than 1,300 of the eligible men have registered with law firm Slater and Gordon to receive a share of the money, while 56 have asked for more time to opt out.

Iranian asylum seeker Naser Jafarzadeh registered to receive compensation.

"It's better than nothing because we haven't [any] rights," he said.

"We came by boat and Australia hate us because we came by boat. Because we know we can't do anything so we should accept this money and look in the future maybe somewhere else."

The final individual payments will depend on how many men register to receive compensation, but rough estimates are between \$30,000 and \$40,000.

Detainees like Benham Moghimi said that was inadequate.

"They tortured me and they are still torturing me and the \$70 million for me is not enough," he said.

"Because so far 1,300 registered and it means we will get less and less money, and it's not enough for my future treatment, for my counselling, for whatever the Australian Government has done to me these past four years."

The detainees still in PNG expressed frustration the settlement was made while they remained unsure about what would ultimately happen to them.

"What will happen for my future?" Mr Moghimi said.

"No-one knows. We are still in limbo."

### ***Asylum seekers unable to open bank accounts***

Those men were also worried about how they would get their money.

The asylum seekers whose refugee determinations were rejected are not eligible to open a PNG bank account, while many of those found to be refugees are still waiting to be issued with identity documents.

Law firm Slater and Gordon, which represented the lead plaintiff in the compensation claim, said it would try to find other ways of sending the payments.

"Under the scheme, the administrator has broad powers to take any steps needed to effect payment to group members," principal lawyer Andrew Baker said.

"This includes deposits into bank accounts, issuing of cheques or transferring money to nominated family members or trusted friends of group members.

"The administrator can also arrange for money to be held in trust if group members believe they will be in a position to receive funds in the future.

"We are also discussing alternative options with group members as needed."

The payments will be distributed once the court approves of the settlement distribution scheme and after a 28-day appeal period expires.

[http://www.abc.net.au/news/2017-09-06/manus-island-detainees-say-\\$70-million-payout-not-enough/8878976](http://www.abc.net.au/news/2017-09-06/manus-island-detainees-say-$70-million-payout-not-enough/8878976)

## **24. Manus Island refugee pleads for UK visa to see screening of his film**

An Iranian-Kurdish refugee at the Manus Island detention centre, who pleaded for permission to attend the screening of his film at the London Film Festival, has been told to apply to the Home Office for a visa.

SBS World News  
By Marese O'Sullivan  
Wednesday September 6, 2017

The refugee and journalist Behrouz Boochani posted a letter dated last weekend on Twitter addressed to the British High Commissioner of Australia, Menna Rawlings.

In it, Mr Boochani pleads that he would like to go to the screening of his film on October 8th and 9th at the BFI London Film Festival.

He made the documentary 'Chauka Please Tell Us The Time' over a number of months. Recorded on his mobile phone, it details life at the Manus Island offshore immigration detention centre in Papua New Guinea.

The footage was sent to co-director Arash Kamali Sarvestani, who is based in the Netherlands.

The two directors have been nominated for the festival's Grierson Award in the Best Documentary category, which recognises "outstanding feature-length documentaries of integrity, originality, technical excellence or cultural significance".

"This is a great honour for any director," Mr Boochani declared in his letter.

"My movie was also selected to be shown [at] the Sydney Film Festival earlier this year, where it had its world premiere, but the Australian government did not allow me to attend. I am asking you to give me a visa to attend the London Film Festival."

Mr Boochani stated that he has been held at Manus by the Australian government for over four years.

"I have committed no crime," he said, claiming that he was "exiled by force".

The British High Commissioner shared her response on Twitter, advising him to submit his visa application directly to the Home Office's UK Visas and Immigration department.

"I am pleased to hear that your film has been selected to play at the London Film Festival – congratulations," she wrote.

"As High Commissioner to Australia, I am afraid I do not have any role in considering individual visa applications."

She advised him that if he chooses to apply, his application "will be decided on its individual merits and in line with the UK's immigration rules".

<http://www.sbs.com.au/news/article/2017/09/06/manus-island-refugee-pleads-uk-visa-see-screening-his-film>

## **25. Crossbench seek to send detainee to London**

Independents and crossbenchers from the Greens and NXT have urged the government to send a Manus Island detainee to his film's premiere in London.

Pat Griffiths  
news.com.au / Australian Associated Press  
September 16, 2017 2:26pm

Crossbenchers in both houses of federal parliament have called on the government to allow an Iranian journalist detained on Manus Island to attend his film's October premiere in London.

In a joint letter, the MPs say Behrouz Boochani should be provided with travel documents to attend the London International Film Festival where *Chauka, Please Tell Us The Time* has been nominated for the Grierson Award.

"Thank you to all the members of Aus parliament who supported my request to attend the London Film Festival. Special thanks to Nick McKim," Mr Boochani tweeted on Saturday.

<http://www.news.com.au/national/breaking-news/crossbench-seek-to-send-detainee-to-london/news-story/a0fe0a491ab929ee90261b9e2976a00a>

## **26. MEDIA RELEASE: End the persecution, release Rohingya refugees**

### ***ADVOCATES CALL FOR PERMANENT VISAS AND IMMEDIATE RELEASE OF ROHINGYA REFUGEES***

Wednesday September 6, 2017  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

The UN estimates that more than 120,000 Rohingyans have been forced to flee genocidal violence of the Myanmar army since late August.

World leaders have called for an end to the systematic violence against the Rohingyans, but the Australian government has been silent.

The crisis has exposed the Australian government's own shameful policy of persecution in regard to Rohingya refugees. The Australian government is holding over 90 Rohingya refugees on Manus and a similar number on Nauru.

Even as the crisis was unfolding in Myanmar, on the 29 August, the government returned a 53 year-old Rohingya refugee from Australia to Manus Island, although he was still having medical treatment for his heart condition. Since his return, PNG and Australian Border Force officials have tried to force him to sign PNG resettlement papers.

"The Australian government is denying permanent visas and family reunion to Rohingya refugees who are living in the Australian community," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"Rather than help rescue Rohingyans fleeing in 2015, Tony Abbott, famously declared 'Nope, nope, nope' to accepting Rohingya refugees. He called for Malaysia and Thailand to turn away boats of Rohingya asylum seekers.

"Although 1000 Rohingyans were rescued by Indonesian fishermen in 2015, the Australian government has resettled only 37 Rohingya refugees since 2013. The Liberal government policy has banned accepting any refugees registered in Indonesia since July 2104.

"The government should immediately release all Rohingya refugees in Manus and Nauru and bring them to Australia. Rohingya refugees in Australia should be granted permanent visa and allowed to bring their families. The government's ban on accepting refugees registered in Indonesia must be lifted."

The Refugee Action Coalition is supporting the protest, Australian Government -Speak out against Rohingya genocide, called by Union Aid Abroad - APHEDA, 9:00-10:00am, Thursday 7 September at DFAT office, 9 Castlereagh St, City. Speakers will include:

Gabe Kavanagh, President, Amnesty International Australia; Ian Rintoul, Refugee Action Coalition; Kate Lee- Executive Officer, Union Aid Abroad; Mohammad Junaid- Burmese Rohingya Community Australia (BRCA); Anwar Sha- Burmese Rohingya Community Australia (BRCA)

For more information contact Ian Rintoul 0417 275 713

## **27. Australia should take in 20,000 Rohingya refugees as crisis worsens: Greens**

Sydney Morning Herald  
September 10 2017  
Adam Gartrell

The Greens are calling on the Turnbull government to take in 20,000 of the Rohingya refugees who have fled rapidly worsening bloodshed in Myanmar.

Greens leader Richard Di Natale says Australia should organise an emergency intake similar to the Syria program launched two years ago.

Writing to Prime Minister Malcolm Turnbull and Immigration Minister Peter Dutton at the weekend, Senator Di Natale said the state-led persecution of Rohingya people in Myanmar's Rakhine state was escalating, with entire villages being destroyed.

Aid organisations are warning of a looming humanitarian crisis, with flood-ravaged neighbouring Bangladesh currently bearing much of the Rohingya refugee burden. The United Nations says nearly 300,000 people have fled Myanmar to Bangladesh in recent weeks.

"We write to you with deep concern about the crisis in Myanmar and the unprecedented levels of forcible displacement we are seeing," Senator Di Natale and his immigration spokesman Nick McKim said in the letter to Mr Turnbull and Mr Dutton.

"We call on you to immediately commit a further 20,000 permanent humanitarian visas for Rohingya refugees this year. This is not without precedent, with conflicts in Syria previously triggering this kind of emergency intake by Australia in 2015."

The Greens were among the first to call for the Syrian intake in 2015, with the Abbott government later announcing 12,000 extra places. The last of those refugees arrived in Australia last month.

Senator Di Natale also pressed Mr Turnbull and Mr Dutton to allocate \$150 million in emergency funding for the UNHCR, which is struggling with a major funding shortfall as a result of the scale of humanitarian need in the region and across the globe.

Foreign Minister Julie Bishop said at the weekend Australia was "deeply concerned" about the escalating violence in Myanmar, announcing \$5 million in assistance.

The money will go largely towards live-saving food to be distributed by the World Food Programme and the International Organisation for Migration in Bangladesh. The government will also work with the Red Cross inside Myanmar.

"We call for restraint by the Myanmar authorities, for the protection of civilians, and for unfettered access to be granted to humanitarian workers," Ms Bishop said. Australia has provided \$50 million for Rohingya people since 2012, she added.

The Buddhist-majority nation denies citizenship to more than a million Rohingya even though the Muslim minority has been living in Rakhine for generations.

The latest exodus began last month when Myanmar security forces launched what they called "clearance operations" in response to insurgent attacks on about 30 police posts. Myanmar's government claims almost 400 people have been killed in fighting it blames on insurgents.

Human rights groups say Myanmar soldiers have planted internationally banned landmines along its border with Bangladesh, sparking calls for Australia and other nations to end defence training and support for the country's military, known as the Tatmadaw.

Australia restored its defence ties with Myanmar in 2014 after the country began to reform after decades of brutal military rule.

The latest outbreak of violence is the worst since then, with many calling on de-facto Myanmar leader Aung San Suu Kyi to intervene.

Ms Suu Kyi was awarded the Nobel Peace Prize in 1991 during her 15 years under house arrest by the military junta, which ended in 2010. But she has come under international criticism in recent weeks for failing to speak out for the Rohingya.

<http://www.smh.com.au/federal-politics/political-news/australia-should-take-in-20000-rohingya-refugees-as-crisis-worsens-greens-20170910-gyebu4.html>

## **28. Australia offers to pay Rohingya refugees to return to Myanmar**

Exclusive: Rohingya sent to detention island in Papua New Guinea pressured to return to Myanmar, where thousands have fled ethnic persecution

The Guardian

Oliver Holmes and Ben Doherty

Tuesday 19 September 2017 09.02 AEST

Australia is promising thousands of dollars to Rohingya refugees who agree to return to Myanmar, a country that has been accused of ethnic cleansing against the Muslim minority.

Asylum seekers in the Australian-run detention centre on Papua New Guinea's Manus Island, have been pressured by officials to return to their home countries, even if they face violence.

Papua New Guinea's supreme court last year ruled the centre for around 800 people breached human rights, was illegal and must close. Australia has since ratcheted up efforts to clear the centre, offering up to A\$25,000 to refugees agreeing to go home.

Returning Rohingya to their country could put their lives at risk. Myanmar does not recognise the ethnic minority and has conducted military operations in Rohingya villages that the United Nations' top human rights official branded "a textbook example of ethnic cleansing".

Close to 400,000 Rohingya have fled to neighbouring Bangladesh, many with bullet wounds and stories of mass killings, as their villages burn.

The Guardian understands up to seven Rohingya may be facing return from Manus Island and spoke to two refugees in PNG who said they were going back.

Yahya Tabani, a 32-year-old Rohingya man who arrived in Australia in 2013 but was sent to Manus Island, said he had no choice but to return.

"I don't want to stay in PNG," said Tabani, who used to sell mobile accessories. "I don't want to die in PNG. I prefer to die in Myanmar. Probably Buddhist people are going to kill me as soon as I arrive in Myanmar ... Australia doesn't care if we live or we die."

He said he had been promised A\$25,000 by the Australian Border Force. He had not yet received any money and does not have a bank account into which it can be paid. Tabani was waiting in the PNG capital Port Moresby for his travel documents.

"I have no right to get citizenship and can't go to school. I didn't get any basic rights. Immigration [the Australian immigration department] said I have to live in PNG or go home."

He said he had been attacked by locals in PNG, who he claims killed another detainee, an Iranian man. They were looking for money, he said. Physical and sexual abuse has been reported on Manus, one asylum seeker was murdered by guards, while others have died from medical neglect and local residents and soldiers have stormed the centre.

Another Rohingya refugee, currently held in Port Moresby ahead of a slated return to Myanmar, spoke to the Guardian on condition of anonymity for fear of recriminations against himself and his family.

"I am going back because my family are being persecuted by the Myanmar government. My family are in a violent place. I need to save them and look after them."

He said he had been arrested in Myanmar previously, and feared further persecution upon return.

"But the reason why I leave PNG is there is too much torturing, they treat us as prisoners and they kill us mentally. That is more scary for me, that's what I decided to go back. Better is leaving PNG, I can see my parents before Australia and PNG authorities make me a fool mentally, or killed physically."

The Australian and PNG governments have vowed the Manus detention centre will be completely shut down by 31 October. Officials have been withdrawing basic services in different sections to force people out.

“It would be unthinkable to send any Rohingya back to Myanmar – in the midst of the military’s ethnic cleansing campaign against them,” said Elaine Pearson, Australia director at Human Rights Watch. “Sending them home right now would be a death sentence.”

She said the move “speaks volumes about the dangerous conditions and hopelessness that refugees on Manus have had to endure, that Rohingya refugees would even contemplate going back in ... the midst of an ethnic cleansing campaign”.

The Obama administration agreed to consider resettling in the US up 1,250 men, woman and children refugees sent by Australia to Manus Island and Nauru. But Donald Trump described the agreement as a “dumb deal” and in his first phone call with the Australian prime minister, Malcolm Turnbull, asked: “Why have you not let them into your society?... Maybe you should let them out of prison.”

On the offshore detention islands, faith in the American agreement is fading. The US is not obliged to take a single refugee under the deal, only to consider them for resettlement, and 10 months after the deal was struck, no one has been accepted to go to the US.

In Canberra the Australian government has resolutely maintained no one detained on Manus or Nauru will ever be resettled in Australia. The Department of Immigration and Border Protection referred questions to the government of Papua New Guinea.

On Tuesday, when the foreign affairs minister, Julie Bishop, was asked if Australia would consider taking any Rohingya refugees fleeing Myanmar, she said Australia wanted them to return to their country if possible.

Speaking from New York, where she has been attending United Nations meetings, she said Australia was providing a further \$15m in humanitarian support to ease the crisis, particularly to Bangladesh.

“We want to see a ceasefire, an end to the violence, and then for the Rohingyas to be able to return to Rakhine state,” she told the ABC’s AM program.

“That was the collective view around the table of ministers, that we wanted to see the Rohingyas return to their homes.

“So I’m afraid there’s going to be considerable discussion here about the best way to achieve that. But nevertheless, the international community appeared to be united in its concerns to ensure that Rakhine state is stabilised and we can bring peace and security to it.”

<https://www.theguardian.com/world/2017/sep/19/australia-offers-pay-rohingya-refugees-return-myanmar>

## **29. Julie Bishop says Rohingya must be protected despite 'cash for return' policy**

Former PM Kevin Rudd says Myanmar’s Aung San Suu Kyi is in a ‘total dilemma’ because she cannot control military

The Guardian

Ben Doherty and Oliver Holmes

Tuesday 19 September 2017 20.19 AEST

Australia’s foreign affairs minister, Julie Bishop, has insisted the international community must act to stop the lives of more Rohingya Muslims being put at risk in Myanmar but Australia is still encouraging Rohingya refugees held on Manus Island to return to the country, offering tens of thousands of dollars in inducements.

In New York, where she is attending the United Nations general assembly, Bishop said at a multinational meeting of ministers there “was unanimity in the view that the violence must end and that there be a ceasefire”.

“And we emphasised the need for humanitarian support to get through and also that the Rohingya must be able to return home.”

Meanwhile the former Australian prime minister Kevin Rudd has defended Aung San Suu Kyi’s failure to denounce ethnic cleansing, telling the ABC’s 7.30 on Tuesday that she was in a “total dilemma” because she could not control the military.

Rudd said that Suu Kyi’s speech was being monitored by the Burmese military, which was “looking for any pretext to return to full military rule” and noted that she did not reject the allegation of ethnic cleansing.

“I interpret the speech with a degree of more subtlety than perhaps others may read it,” he said. “[In effect she said] ‘I’m not repudiating what the Human Rights Commission said at all. I want to get to the bottom of this.’ The coded language is the military have run amok.”

Rudd accepted that Suu Kyi “could’ve handled [the situation in Rakhine state] better”.

“The bottom line is this, moral authority is one thing. He who controls the barrel of the gun in Myanmar is another.”

Australia has pledged a further \$15m in humanitarian support, particularly to Bangladesh, which is hosting those who are fleeing.

More than 400,000 Rohingya have fled Myanmar for neighbouring Bangladesh over the past month, fleeing a scorched earth campaign of violence by the Myanmar army that has reportedly included summary executions, children being stabbed to death, homes torched with families locked inside and landmines laid ahead and behind of fleeing civilians.

The Myanmar military has described its actions as a “clearance operation” seeking out terrorists and Suu Kyi did not name the military in a speech to diplomats in the capital Naypyidaw.

“We too are concerned,” she said of the violence. “We want to find out what the real problems are. There have been allegations and counter-allegations. We have to listen to all of them.”

Over the Naf river, which separates Myanmar from Bangladesh, a new humanitarian crisis looms in the country of refuge as hundreds of thousands live in makeshift camps without sufficient food, water and sanitation.

But the Guardian revealed on Tuesday that – in the midst of Myanmar’s crisis –Australia was continuing to offer up to \$25,000 to Rohingya refugees currently held in Papua New Guinea under Australia’s offshore processing asylum policy, as an inducement to abandon their protection claims and return home.

Up to seven Rohingya men – some of whom have been recognised as refugees – have agreed to return. Australia’s immigration detention regime in PNG has been marked by violence, including murder, medical neglect leading to death, systemic mental health issues and suicide, harsh conditions and privation.

“I don’t want to die in PNG. I prefer to die in Myanmar,” one of the men, Yahya Tabani, told the Guardian. “Probably Buddhist people are going to kill me as soon as I arrive in Myanmar ... Australia doesn’t care if we live or we die.”

He has been promised \$25,000 by the Australian Border Force if he agrees to return to Myanmar.

Australia’s encouragement of Rohingya repatriation has been condemned by human rights groups and aid agencies.

“The Australian government is currently offering a financial incentive to Rohingya refugees imprisoned on Manus Island to return to Myanmar. We need to show compassion, halt this process and give them the right to settle here,” Marc Purcell, the head of the Australian Council for International Development, said.

“Historically, the number of refugees Australia has resettled from Myanmar has been extremely low. We urge the Australian government to look at an increase to Australia’s humanitarian intake, with specific consideration to vulnerable people who have fled violence and persecution in Myanmar.”

Amnesty International called on Australia bring an emergency intake of Rohingya refugees into Australia. “The Australian government should end its hypocritical ‘cash for return’ policy for Rohingya people on Manus Island and Nauru,” Michael Hayworth, campaigns manager at Amnesty International Australia, said. “Offering Rohingyas money to return to a country where there is a current campaign of ethnic cleansing against them is unconscionable.

“Despite strong statements against the violence of the Rohingya people by foreign minister Bishop, the recent record of Australia resettling Rohingyas has been nothing short of shameful, with only 37 resettled since 2013.”

The director of the Edmund Rice Centre and president of the Refugee Council of Australia, Phil Glendenning, said the Australian government had a responsibility to ensure that people who had sought sanctuary in Australia were not returned to harm. “No reasonable person could claim that Myanmar is a safe place for Rohingya people at present,” he said. “The situation in Myanmar is absolutely appalling and has been described by the United Nations as ‘textbook ethnic cleansing’.

“For the Australian government to even be contemplating deporting or removing Rohingya people back to Myanmar is not only a complete abrogation of our international obligations but also a complete denial of basic human decency.

“Make no mistake, if these people are sent back to Myanmar at this point in history, the Australian government is playing fast and loose with their lives.”

Bishop told Reuters earlier on Tuesday that she wanted to hear Suu Kyi offer a solution “to what is a tragedy of enormous proportions”.

<https://www.theguardian.com/world/2017/sep/19/julie-bishop-says-rohingya-must-be-protected-despite-cash-for-return-policy>

## 30. Peter Dutton refuses to say if Rohingya refugees being returned to Myanmar

Australian immigration minister does not comment on reports Muslim minority being paid to return to country where they face persecution

The Guardian  
Gareth Hutchens

Thursday 21 September 2017 06.42 AEST

The immigration minister, Peter Dutton, has refused to say if Australia is promising thousands of dollars to Rohingya refugees who agree to return to Myanmar, a country accused of carrying out ethnic cleansing against the Muslim minority.

He told ABC's 7.30 program Australia provided settlement packages for refugees in Australian-run detention centres to return to their country of origin, and some regions of Myanmar would be safe to return to, but he would not comment on "individual cases".

Guardian Australia reported on Tuesday up to seven Rohingya may be facing a return to Myanmar from the Australian-run detention centre on Papua New Guinea's Manus Island.

Yahya Tabani, a 32-year-old Rohingya man who arrived in Australia in 2013 but was sent to Manus Island, told Guardian Australia he had no choice but to return. He said he had been promised \$25,000 by the Australian Border Force.

Myanmar does not recognise the ethnic minority and has conducted military operations in Rohingya villages that the United Nations' top human rights official branded "a textbook example of ethnic cleansing".

Dutton was asked on Wednesday evening if Australia was offering Rohingya refugees \$25,000 to return to Myanmar, and if he thought it was safe for them to return to the troubled country.

He declined to answer the question directly, saying: "If people are able to return safely back to a country of origin, or to a region of origin, then we do that."

When pressed by host Leigh Sales to say whether it was safe for Rohingya to return to Myanmar presently, given close to 400,000 Rohingya have fled to neighbouring Bangladesh, many with bullet wounds and stories of mass killings, he said it depended on the circumstances.

"It depends on the in-country advice at the moment, it depends on the region where that person would want to return to, it depends on their family circumstances," he said.

"As I say, in some regions people can return".

After appearing to tire of the questions, Dutton then criticised the ABC for failing to report, in its nightly news coverage, that more than 50 asylum seekers from Manus Island and Nauru would soon be settled in the United States, under a deal struck between the former US president Barack Obama and Australia to take up to 1,250 people.

The ABC's 7pm news had reported the story, complete with a quote from Turnbull.

"I would have thought the ABC would be jumping up and down for joy with the fact that we've got the first 50-odd people off Manus and Nauru, people that Labor had put there, and we've not had any drownings at sea for three years," he said.

"Unfortunately it doesn't even make the package within the ABC news so, I mean it's a strange day, but it's a good day that we've got [some] movement [of refugees].

"I hope that we can get more people off [the islands] and do it in a way that doesn't restart boats and that's the objective of the government," he said.

The Manus Island detention centre is slated for closure on 1 October and there is increasing pressure being brought to bear on refugees held there, with buildings shut, medical and other services scaled back and withdrawn, cigarettes banned, and power and water shut off, in an effort to encourage resettlement within Papua New Guinea.

The Nauru processing centre does not have a proposed closure date. But the president of Nauru, Baron Waqa, reaffirmed his country's position that no refugees would be allowed to permanently resettle in Nauru.

<https://www.theguardian.com/australia-news/2017/sep/21/peter-dutton-rohingya-refugees-myanmar>