

Project SafeCom News and Updates

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1. The Saturday Paper: 'Our hope is destroyed after every good news'

With details unresolved, refugees on Manus and Nauru are bringing cautious optimism to talk of US resettlement.

The Saturday Paper
Nov 19, 2016
Martin McKenzie-Murray

Hell. Limbo. Purgatory. Its occupants have referred to the Manus detention centre in uniformly dark ways these past years. But last weekend, within the perimeters of the barbed cyclone fencing, there was some strange and wonderful news – the men might be going to America. Immigration officials had briefed them – vaguely, some felt – on the deal Australia had struck with the United States to resettle them there. The men began excitedly discussing the deal, but most were heavy with questions. Some had difficulty sleeping, so piquant was the mix of hope and uncertainty – each knew that Trump had just been elected the next president of the United States.

“US is a reasonable country that refugees will be able to rebuild their lives,” Amir tells me. “But, still, because this place has systematically destroyed people’s hope after every good news, so people decided not to be excited [about] such news until it actually happens.”

Amir is 23, an Iranian who fled Tehran after he converted to Christianity. He has been living in the Manus compound for just over three years. “No one is sure of anything so we can’t be happy, we can’t be upset...” he says. “People in here need sanctuary. They need somewhere safe to rebuild their lives and be in peace and start healing.”

Unlike others I speak with, Amir has greater equanimity regarding a Trump presidency. “We cannot be sure of what would exactly happen,” he tells me. “Whatever we hear is all from the media. We need to see who he actually is and we better not judge people before [we] know them.”

FULL STORY AT <https://www.thesaturdaypaper.com.au/news/politics/2016/11/19/our-hope-destroyed-after-every-good-news/14794740003998>

2. The Saturday Paper, Jane McAdam: Defending the Refugee Convention

The Saturday Paper
Nov 19, 2016
Jane McAdam

It is 65 years since the Refugee Convention was adopted. This year, there are 65 million displaced people in the world. The synchronicity of those figures would have caused the drafters of the convention grave concern. The Refugee Convention was intended to provide a consistent and predictable means of granting refugees a legal status, and thus a means of finding a durable solution, whether through local integration, resettlement or voluntary repatriation.

Some critics say the 1951 Refugee Convention has passed its use-by date. It is, we are told, too old to respond adequately to the displacement challenges of the 21st century, whether because it is too restrictive in its reach or too generous. It is at once too narrow and too broad; simultaneously blocking access and facilitating it.

These are unfair criticisms, and largely miss the point. The convention needs the political will of governments – which is often lacking – to function properly. At the same time, it was never intended to be a migration-management tool, nor a responsibility-sharing mechanism.

The Refugee Convention was never a revolutionary instrument; largely, it consolidated existing refugee agreements. It certainly does not provide a “blank cheque” for refugees. What it does do is articulate fundamental rights and duties owed to, and by, refugees, which in some respects have been bolstered and extended by international human rights law. Renouncing the Refugee Convention would not undo these obligations.

The Refugee Convention was drafted after World War II had displaced more than 50 million people in Europe. The number of refugees in Germany alone was 14 million. The convention was one of a number of foundational human rights instruments negotiated at the time – including the Universal Declaration of Human Rights, the twin human rights covenants and the Genocide Convention – when the atrocities of the war still loomed large, and the refrain “never again” was front of mind.

At that time, the “ideal” of refugee resettlement – a mechanism viewed both as a solution for Jewish refugees, and as a more general population-management tool in the face of resource scarcity – had proved impossible, which was why the creation of a legal status to be enjoyed within host states was seen as very important. A formal international agreement was a way to ensure signatory states offered similar levels of protection.

Some rights set out in the convention apply as soon as an asylum seeker arrives in a country, including the right not to be returned to persecution (the principle of non-refoulement), the right not to be discriminated against, freedom of religion, access to courts and to elementary education, and the right not to be penalised for illegal entry (recognising that people

fleeing persecution may not be able to acquire visas or the like). It's instructive to note that international laws on human trafficking and smuggling make clear that refugee law is paramount here.

Other rights accrue once a refugee is lawfully admitted to a country, such as access to employment, social security and so on. On the question of how extensive such rights should be, the convention provides that, at a minimum, refugees must receive the same standard of treatment as other foreigners in the country. Some rights – such as access to the courts and legal assistance, elementary education, social security, public relief and assistance and the right to practise one's religion – must be accorded at the same level as citizens.

Under the Refugee Convention, refugees also have responsibilities: they must abide by the law and any measures in force for the maintenance of public order in the country that grants them protection.

FULL STORY AT <https://www.thesaturdaypaper.com.au/opinion/topic/2016/11/19/defending-the-refugee-convention/14794740003996>

3. A dangerous testimony: The man who witnessed Reza Barati's murder on Manus Island

ABC Radio - Correspondents Report
By Papua New Guinea correspondent Eric Tlozek
Posted Sat 19 Nov 2016, 4:16am

Benham Satah says he is the most influential man in the Manus Island detention centre.

He certainly has a high-profile.

The 30-year-old Kurdish Iranian was the main eyewitness to the murder of his roommate, Reza Barati, during a riot in 2014.

His testimony at the subsequent trial earned him the enmity of the defendants' families and friends.

He told the court he had been receiving death threats ever since providing an affidavit.

That has meant Mr Satah, whose tertiary qualifications in English made him a valued translator and community leader, has not enjoyed the limited freedom offered to detainees since April, when the Papua New Guinea Supreme Court found the detention on Manus Island was illegal.

While the other men from the detention centre have been going into the town of Lorengau and around the island, Benham Satah says he can only go with the local police, who have become his friends and protectors since the court case.

"I am in more danger than my country. There is nowhere safe for me in here," he said.

"Wherever I go I have to be alert and something might happen.

Mr Satah says he often feels he is in danger of reprisal for his actions on the island.

"One of the relatives of those people who are in jail because of my affidavit, my testimony, might come and kill me.

"I received many threats. I have been assaulted in the camp before because of being a witness to Reza's murder so, I can't leave the centre without escort."

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'When we are threatened, we fight.'
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Benham Satah is a short man with a politeness that is offset by a restrained anger.

"I am Kurdish," he tells me. "When we are threatened, we fight."

If you look closely when you meet him, you will see the skin on his hands is raw and peeling.

FULL STORY AT <http://www.abc.net.au/news/2016-11-19/a-dangerous-testimony/8036212>

4. Australia's immigration policies have promoted xenophobia: UN expert

Special rapporteur on human rights of migrants calls for government to maintain section 18C of Racial Discrimination Act

The Guardian
Helen Davidson
Friday 18 November 2016 16.24 AEDT

Australian politicians have given permission for people to act in xenophobic ways and have allowed for the rise of nationalist groups, the United Nations special rapporteur has said at the end of his first official visit.

He also voiced support for maintaining section 18C of the Racial Discrimination Act.

François Crépeau, who has just ended an 18-day visit to Australia as special rapporteur on the human rights of migrants, said hate speech and xenophobia had increased in Australia despite the nation's rich migration history.

The human rights expert said Australia's recent immigration policies had eroded human rights and tarnished the country's reputation.

"Politicians who have engaged in this negative discourse seem to have given permission to people on the street to act in xenophobic ways and to allow for the rise of nationalist populist groups," he said.

"Australia must work to fight xenophobia, discrimination and violence against migrants, in acts and speech."

Since the federal election returned Pauline Hanson to parliament, with three One Nation senators, several politicians have furthered their push to cut or end immigration to Australia.

Hanson has called for a ban on Muslim immigration and the Liberal senator Cory Bernardi has demanded that the migration intake be halved. The Victorian Liberal backbencher Russell Broadbent has criticised some colleagues – including the Queensland MP George Christensen – for "cuddling up to Hansonite rhetoric".

Crépeau also called for the government to maintain section 18C of the Racial Discrimination Act, which he said "sets the tone of an inclusive Australia, committed to implementing its multicultural policies and programs and respecting, protecting and promoting the human rights of all".

Australian politicians, public servants, and media groups are in the midst of a debate about repealing 18C, which makes it unlawful to engage in speech that is "reasonably likely to offend, insult, humiliate or intimidate on the basis of race, colour or national or ethnic origin".

Detractors have variously called for the section to be scrapped or for "insult" and "offend" to be removed. There are already protections set out by 18D for those who make such statements in the course of satire, commentary, and in the public interest.

In his address, Crépeau also praised several policies, including increases in Australia's humanitarian intake and its one-off offer to take 12,000 Syrian refugees, but said other "punitive" measures were "regressive and fall way behind international standards".

"The punitive approach adopted by Australia towards migrants who arrived by boat has served to erode their human rights," he said.

"It is a fundamental principle of human rights law that one person cannot be punished only for the reason of deterring another."

Crépeau highlighted the principles of non-refoulement – which Australia has been accused of potentially breaching with its enhanced screening processes – and the "immense suffering" caused by mandatory and prolonged detention and difficulties in accessing justice and health care.

The offshore detention system has been plagued by complaints of inadequate health care for asylum seekers, and in 2014 the government ended the provision of legal aid to "unauthorised" maritime arrivals.

A recently announced but as yet undetailed deal with the US will also result in several UNHCR endorsed refugees from Nauru and Manus Island being resettled in the US. The deal has been largely welcomed by advocates and asylum seekers, aside from those with family in Australia who fear they will never be able to reunite.

The Australian government is also pushing for a ban on any asylum seekers who have sought refuge in Australia by boat – and who arrived after July 2013 – from ever returning to Australia. It's expected to affect more than 3,000 people.

"I am deeply concerned about the grave impact of the punitive approach – which creates so much uncertainty about the future – on the mental health of many migrants, some of whom are in prolonged and indefinite mandatory immigration

detention onshore or in offshore regional processing centres, or living in community detention, or living under temporary protection visas," Crépeau said.

"Yet the cure lies ultimately with Australia, which has the responsibility to settle those from the regional processing centres who are found to be refugees. Any agreement regarding third country resettlement must be meaningful – in terms of numbers, timeliness and opportunities to rebuild – and adhere to Australia's international humanitarian and human rights obligations."

Crépeau said Australia offered regular and safe migration pathways but warned that without better oversight mechanisms, their temporary nature could leave migrants vulnerable to exploitation, and that fear of visa cancellation would discourage migrants from reporting or protesting.

Appointed by the Human Rights Council, Crépeau and other special rapporteurs are part of an independent fact-finding and monitoring body within the UN. It is the largest body of independent experts in the UN human rights system, but rapporteurs are not UN staff, are unpaid and independent from governments and organisations.

During his visit to Australia, Crépeau spoke with immigration and government officials, civil society groups, trade unions, the Australian Human Rights Commission, international organisations and migrants. He also gathered information from the Nauru processing centres.

<https://www.theguardian.com/australia-news/2016/nov/18/australias-immigration-policies-have-promoted-xenophobia-un-expert>

5. Mark Kenny: Hope in a dismal space - the good news story that had to wait

Sydney Morning Herald
November 14 2016 - 12:15AM
Mark Kenny

Quietly, Malcolm Turnbull began working on a solution to the intractable puzzle of asylum seekers, people smuggling, resettlement, and indefinite detention, as a first priority of his new leadership. Public acknowledgement has had to wait a year.

That's an eternity in a game in which a week is a long time. All the more so because during this time, Turnbull's personal standing has been battered, and his nearly extinguished government has been depicted as every bit as unfeeling as its steely-jawed predecessor.

Yet such are the complicated causal links between desperation, hope, misrepresentation, and official policy resolve, that secrecy was considered paramount.

Turnbull agreed with Barack Obama at his first White House meeting in January. The trip, fast, and deliberately low key amid an unusually harsh DC snow storm, garnered less than the usual attention. Passed off mainly as a pro-forma meet-and-greet for the new Australian leader.

Nothing more was said about possible new solutions to people smuggling and resettlement. Not even in New York in September, when Turnbull announced the seemingly bizarre agreement to take an undisclosed number of refugees from the UN's processing facility in Costa Rica. This newspaper speculated at the time that it may have been part of a US deal, or at least an understanding, that could bring a breakthrough for the 1600 permanent off-shore detainees stuck in Manus and Nauru.

Again, this was denied, even though it would have been favourable coverage for a government struggling to put runs on the board.

What we now know is that it was true. Broadly.

To succeed, Turnbull was advised that the order of 'logistics before announcement' were critical to success. The government and its agencies, Defence and Operations Sovereign Borders, wanted to have the full strength operation in place - the ring of steel.

A renewal of boat arrivals would be a disaster.

Officials told Turnbull that once America came into the picture, the criminal smuggling operations would sell that destination as a prize of reaching Australia - a new incentive, more sugar on the table.

Thus, since the initial White House agreement, sources say reinforcements have been brought in: more ships, planes, personnel.

It is not at all clear how comprehensive the "one-off" US-Australia arrangements are, or how long it will take for those lucky enough to secure American resettlement. Nor are the implications wrought by the US election, yet known.

What is clear is that the US is not planning to increase its humanitarian intake overall. Beneficiaries from our beleaguered system, will take places of others escaping violence and persecution elsewhere. These are harsh moral realities.

And here's another. After the Coalition's shamelessly "political" rejection of Labor's people-swap with Malaysia, it has now engineered something similar.

Labor will not block it, viewing it like most Australians will, as the only hopeful development in this space for many years.

That's despite the fact that it might well save the Turnbull government on the way to saving the lives of people who have already suffered immeasurably.

<http://www.smh.com.au/federal-politics/political-opinion/us-refugee-deal-hope-in-a-dismal-space--the-good-news-story-that-had-to-wait-20161113-gsob7a.html>

6. Michael Gordon: Finally, Turnbull shows he is not just Abbott in a nicer suit

Sydney Morning Herald
November 13 2016 - 8:49PM
Michael Gordon

Not a moment too soon, Malcolm Turnbull has delivered a pathway to end the suffering of more than 1600 refugees who have spent more than three years in tormented limbo on Manus Island and Nauru.

The details are unclear, but the take-out is not: this is the beginning of the end of a shameful chapter in this country's history, where vulnerable people have knowingly been subjected to all manner of human rights abuses in order to deter others from attempting to come to this country

The key point, despite the deliberate equivocation of Peter Dutton during the announcement, is that it applies to those who have been found to be refugees on Manus Island in Papua New Guinea as well as those on Nauru.

This would have been unlikely without Turnbull recognising that the damage to refugees in both Nauru and PNG has to end before more tragedies unfold.

It is all very well to talk about prioritising women and children and families on Nauru, but what about those who were teenagers when their incarceration on Manus began, whose vulnerability and emotional decline has been assessed by independent experts?

For all the talk about Turnbull being Tony Abbott in a nicer suit, this has been Turnbull's project, one that was not on the agenda when Abbott was toppled in September last year. It is this Prime Ministers' achievement.

It is also a victory for the very few Coalition MPs who have been quietly pressing the case and a wonderful parting gesture by the Obama administration that Donald Trump is unlikely to try to unpick (though who would predict what Trump will do?).

Unanswered questions

Yes, there are many unanswered questions, the most pressing being whether the agreement covers all refugees on Manus and Nauru.

The main reason for optimism is that Turnbull says the resettlement will be "administered" by the United Nations refugee agency, the UNHCR, whose opposition to the "immense damage" being done to asylum seekers on Manus and Nauru could not be clearer.

While Dutton suggested the agreement may not cover all on Manus and Nauru, and explicitly excluded those in PNG who have already left the transit centre, the UNHCR is likely to have a far more compassionate and pragmatic view.

As the agency said when it welcomed the deal: "UNHCR remains gravely concerned about the fate of all vulnerable individuals in Papua New Guinea and Nauru. Appropriate solutions must be found for all of them."

The truth, of course, is that the vast majority of the relative few who have been "resettled" in PNG live in such perpetual fear, with no prospect of building meaningful lives, that their emotional decline has continued unabated.

Applications reassessed

It is also apparent that those who have had their claims rejected should have their applications reassessed because of the doubts about their veracity, and that those who have refused to be processed because they were taken to PNG against their will should now have the opportunity to present their case. Among them is Benham Satah, the eye-witness to the murder of Reza Barati.

Then there is the plight of those with family members in Australia. If, because of the obsession sending tough messages to people smugglers, it is decided they cannot be reunited here, the family members in Australia should be part of the deal.

Finally, there is the situation of those who came to Australia for medical treatment and the babies born to mothers transferred from Nauru. Turnbull and Dutton gave different signals yesterday, but one would hope that common sense will prevail and decisions will be made on what is in the best interests of those involved.

The best way of assessing the Prime Minister's true position on asylum seekers and border protection is to strip away the politics and focus on what he does (or doesn't do), rather than what he says.

Maritime surveillance

Turnbull has announced the agreement with the US and a massive scaling up of Australia's maritime surveillance and response capacity in anticipation of an inevitable push by smugglers to market the one-off deal as a softening of policy.

That is prudent. But all the rhetoric about fixing Labor's mess and the need to legislate the life-time visa ban on any who are resettled in America is sanctimonious drivel.

Back in 2012, it was suspected Turnbull had grave reservations about the Coalition's decision to scuttle Labor's people-swap agreement with Malaysia that might, just might, have prevented the huge number of arrivals that followed. That decision, and the constant undermining of Labor's efforts, made the Coalition complicit in Labor's failures.

As for the life-time visa ban, it isn't part of the deal, it is opposed by the UNHCR, it has nothing to do with permanent settlement and it should be rejected by the Senate.

Rather than seek to wedge Labor for domestic political advantage, more than two years out from an election, the Coalition should be seeking a unity ticket on the things that matter: robust border protection, the opportunity for those on Nauru and Manus to rebuild their lives, and something neither side has ever pursued with the necessary vigor: a regional-protection framework.

<http://www.smh.com.au/federal-politics/political-news/finally-turnbull-shows-he-is-not-just-abbott-in-a-nicer-suit-20161113-gso75n.html>

7. Alex Reilly: Why the refugee deal is a win for asylum seekers

Sydney Morning Herald
November 15 2016
Alex Reilly

The Australian government has announced a new deal, long-expected in policy circles, that will see asylum seekers on Nauru and Manus Island transferred to the US.

This is the first positive news in three years for asylum seekers and refugees on Nauru and Manus Island. It is a circuit breaker that has received support from Labor.

However, it is worth observing that this could only be considered a good deal in a world where developed countries have a strong aversion to receiving asylum seeker claims at their borders.

In September, Australia pledged to take a group of Central American refugees housed in camps in Costa Rica.

In a rational world, Central Americans on the border of the US would be settled in the US and Afghans, Iraqis, Iranians and Sri Lankans placed on Nauru and Manus by the Australian government should be resettled in Australia.

However, by any measure, the refugees involved would see the US deal as far better than spending any more time in Australia's offshore detention centres.

Asylum seekers do not have the luxury of choosing where they end up. There is no right to asylum in international law - only the opportunity to make an asylum claim. Receiving countries are free to make deals with other countries to resettle asylum seekers, constrained only by the principle of non-refoulement (which means not returning refugees to countries where they are likely to face harm).

The US has the largest refugee resettlement program in the world. It offers the opportunity to establish a new life free from violence and religious persecution. Yes, there is talk of intolerance faced by Muslims in the US, but similar attitudes exist in Australia.

The US offers these refugees the protection of a sophisticated constitutional and legal system. It's a gross exaggeration to suggest Donald Trump's America could be anywhere near as unsafe as the conditions that refugees flee.

Nonetheless, the transition to the US will not be easy, and is made considerably more difficult by the fact that some of these people have been detained under very stressful conditions for as much as three and a half years. Many spirits have been broken. These refugees will need considerable help in resettling successfully.

While welcoming the government's announcement, Labor has criticised the time it took to reach this deal. But it is important to recognise why the government has been in no hurry to find a durable solution.

The government has subscribed to the principle of "no advantage" first articulated in the 2012 report produced by the Expert Panel on asylum seekers. The principle states that asylum seekers should receive no advantage from taking a boat to Australia over asylum seekers who did not make that journey.

According to the UNHCR, resettlement needs in 2017 are projected to be 1.19 million people. In 2015, the total number of resettlement places offered around the world was 134,000. Based on these figures, the average waiting time for resettlement is in the range of nine years.

The whole point of offshore detention and processing was to send a strong message that it was not worth taking a boat bound for Australia. The government was happy to pursue, in a half-hearted and expensive way, resettlement options in Cambodia, PNG and Nauru. These were not viewed as attractive resettlement options.

But the condition of asylum seekers and refugees on Nauru and Manus under Australia's care soon became an international embarrassment. With whistleblowers, journalists, doctors, civil society organisations in Australia, international NGOs and the government's own Human Rights Commission keeping the spotlight on conditions on Manus and Nauru, the government eventually had to find a durable solution for asylum seekers and refugees.

The government remains concerned that finding a durable solution for refugees on Nauru may be an encouragement for people smugglers. This is an understandable fear, but recent history suggests it is most unlikely to lead to a resumption of boats heading for Australia.

From 2002 to 2004, the Howard government resettled refugees on Nauru in Australia, and this did not lead to a resumption of boat arrivals. The threat of offshore detention is an enormous disincentive. Furthermore, Immigration Minister Peter Dutton has been very clear the US arrangement is a one-off deal. Anyone who subsequently arrives on Nauru or Manus will face the uncertainty of if and when they will be resettled.

The announcement today that refugees must accept any resettlement option presented to them or face 20 years on Nauru or return to their country of origin where they fled persecution may be reasonable if a durable resettlement option is offered, such as is the case under the US deal.

But if a different iteration of this deal ever emerges in future and resettlement is to a country that is not a signatory to the Refugee Convention, or does not have the capacity to resettle and integrate refugees (such as Cambodia), this amounts to pressuring refugees to return to a place of danger or live in limbo for much of their lives.

The US deal is not contingent on legislation, now before parliament, for a lifetime ban on any people processed on Nauru and Manus since mid-2013 entering Australia. This is important as the ban is wrongly conceived, and has rightly been rejected by Labor.

It is already abundantly clear that asylum seekers arriving by boat will not be resettled in Australia. Whether they will be able to visit Australia in some other capacity later in their lives will not be high on an asylum seeker's list of concerns.

The effect of this bill is to punish for life an extremely vulnerable group of refugees, simply for the legitimate act of seeking protection and, in some cases, seeking reunification with family members.

Although it is possible for people in this position to apply to the minister to lift the ban, this may well turn out to be costly, time-consuming and complicated.

The government should be content to offer a good news story to the refugees on Nauru with its announcement of the US deal, rather than hitting them with a final punishment as they leave Australian government control to begin their new lives.

---->>>> *Alex Reilly is Deputy Dean and Director of the Public Law and Policy Research Unit, Adelaide Law School, University of Adelaide. This article originally appeared on The Conversation.*

<http://www.smh.com.au/comment/why-the-refugee-deal-is-a-win-for-asylum-seekers-20161115-gspi2d.html>

8. Confusion, fear and joy from asylum seekers over government's US resettlement plan

Sydney Morning Herald
November 13 2016 - 8:06PM
Deborah Snow

For 23-year old Walid Zazai and his friend, Zubair Khan, also 23, Sunday morning inside the Manus Island detention centre brought something into their lives that had been missing for nearly three years: hope.

It didn't last long. The two friends, one from Pakistan and the other from Afghanistan, had, like others at the camp, heard news of a deal cut by Prime Minister Malcolm Turnbull to allow a one-off transfer of asylum-seekers from Manus Island and Nauru to the USA. It seemed a longed-for chance at new life.

But then came the letdown, the two men told Fairfax Media by phone on Sunday. An official whom they believed to be from the Australian Border Force told them only some of the Manus men would get the ticket out to the US. (There are no asylum-seeker families left on Manus, only single males).

And for those who got the golden ticket, no-one could tell them how long it would take.

"There is confusion now," said Mr Zazai who three years ago fled the Taliban from his native province of Paktia, in Afghanistan. "They told us first priority is families, after we will take some of you. I asked them, how many, 100? 200? 300? They said they didn't have any answers for us. When we asked about the time, they said it would take a long time."

"This morning, everyone was smiling. Now, everyone is frustrated."

Mr Khan - who said his family had been persecuted by terrorist standover men in Pakistan - said he would happily go to the United States if he got the opportunity, Trump or no Trump, but that "they don't have any answers when we ask the questions".

"I need to get freedom, I am fed up with this life and fed up with Australian cruelty."

A third Manus camp resident, Somali Ali Binu Caashaq, told Fairfax he was sceptical of the deal. "I don't trust their words unless there is action. Nobody knows what's going on in this place."

Papua New Guinea has insisted it wants the Manus camp closed, which means those who do not make the cut for the US transfer will most likely end up on Nauru, unless they agree to return to their country of origin.

On Nauru there was a more buoyant mood on Sunday, according to some refugee advocates, though again optimism was tinged with apprehension for some families who were split with some members on the mainland and others in the offshore processing centre.

Pamela Curr, a longtime advocate with the Asylum Seeker Resource Centre, told Fairfax she was being inundated with calls from the offshore processing centres in response to the government's announcement.

Some asylum seekers were "overjoyed that at last they may see freedom coming their way".

But others were fearful and confused.

"Those families that are split, where they have some members on Nauru and some here, are in terror because they don't know what is going to happen; how they are ever going to see their loved ones again" she said.

"There is a mother here who has a husband and two little children stuck on Nauru; another mother and daughter whose husband and son they have not seen for 23 months stuck on Nauru. There are families separated through the system. Now what is going to happen to them?"

"It is good news that the government is now acknowledging that the cruelty of the offshore camps will finish, but the Prime Minister said this had been months in the planning - how could there have been months of planning and no clarity?"

The Human Rights Law Centre is also challenging the government to clarify the many unanswered questions in the plan.

"This announcement is full of holes," the centre's Director of Legal Advocacy Daniel Webb said on Sunday.

"No timeframe. No numbers. No detail on what the government will do with the hundreds of innocent people who will be left behind. It's not a plan.

"This ugly chapter in our history only closes when every single man, woman and child suffering at our government's hand on Nauru and Manus is finally rebuilding their lives in safety. No one can be left behind."

He pointed to the uncertainty hanging over the heads of more than 300 asylum seekers who had been brought to the mainland for medical treatment, and who had yet to be returned to Nauru. Among them were more than 100 children including 40 babies born here.

"I've had parents calling me, confused about whether or not to complete their children's school enrolment forms for next year. There will be kids going to school in our communities tomorrow terrified that they will be sent back to Nauru one day soon."

He said one man he had met on Manus recently, Nayser Ahmed, had arrived on a different date from his wife and children. "While his family are now rebuilding their lives in Sydney, Nayser has been stuck on Manus for the last 3 years. He just wants to be with his kids" Mr Webb said.

The CEO of UNICEF Australia, Tony Stuart, welcomed the government's announcement as "encouraging", saying it would "give refugee children on Nauru the chance to start a new life in safety and for their families to recover and rebuild."

He said children had been particularly impacted by offshore processing, experiencing prolonged distress, violence, family separation and interrupted education.

The Refugee Council of Australia said the government's announcement was a "vital first step" towards resolution of Australia's refugee crisis. Acting CEO of the council Tim O'Connor said resettlement in the US would be "the beginning of the end" to years of indefinite detention for some families. But he said there were "glaring omissions" in the announcement particularly for those who had not received a final or positive decision regarding their protection claim.

A spokeswoman for the Department of Immigration and Border Protection said "refugees, non-refugees and asylum seekers in PNG and Nauru have been informed about today's announcement. Discussions will continue over the coming days and weeks."

<http://www.smh.com.au/federal-politics/political-news/confusion-fear-and-joy-mixed-response-from-asylum-seekers-to-governments-us-resettlement-plan-20161113-gso64a.html>

9. Nauru and Manus Island refugees and asylum seekers sceptical of US deal

Some greet news with joy while others concerned about Donald Trump's ban on Muslim immigration and not being able to join family in Australia

The Guardian
Helen Davidson
Monday 14 November 2016 13.12 AEDT

Refugees and asylum seekers on Nauru and Manus Island are reacting with a mixture of scepticism, fear and hope to the Australian government's announcement it had made a deal with the US to resettle some of them.

On Sunday Malcolm Turnbull revealed some details about plans to resettle some of those who have been held on Nauru and Manus Island under Australia's offshore processing system, with a priority on families, women and children.

Many details are not yet known, including how many will be resettled, which the prime minister said was up to the US. Negotiations with other countries are also ongoing.

The US has agreed to "consider referrals" from the UNHCR, which is otherwise not involved in the process, the secretary of state, John Kerry, said on Sunday.

The deal has been welcomed by many, including Labor.

The Greens initially dismissed the idea, concerned about sending people to "Donald Trump's America", and continued its demand that people be brought to Australia and settled here. The party later welcomed the deal as an admission that offshore detention was unacceptable.

Other advocates and some asylum seekers felt this at least got people out of the centres and urged a speedy process.

Many asylum seekers and refugees long ago stopped wanting to come to Australia and had written letters to various world leaders pleading for assistance, including to the US, Canada, New Zealand and the Vatican.

The Guardian understands people on Nauru are already being asked to put their names on a list if they are interested in going to the US.

One family on Nauru were beside themselves with joy at the thought of leaving Nauru, after several years of detention and living in the Nauruan community. They have suffered alleged physical assault and their child was allegedly sexually abused.

“We are so happy we can’t believe that,” the father said. “We just need freedom. From yesterday we can’t sleep because we are so happy. After four years it’s the best news in my and my family’s life.”

A young woman said she would believe in the deal when transfers began.

“I can’t believe anything before it happens – more than three years we are in this situation and we lose all hope,” she said.

“If that happens we just remember the Australian government [sends us] with US just for their policy. We can’t ever forget, never ever. So we will say when we leave this island to other countries what they did with us.”

Behrouz Boochani, an Iranian journalist on Manus Island, told Guardian Australia many of his fellow detainees would like to go to the US “but some people here, their families are living in Australia and I think Australia has to respect that they want to join their families”.

Those with families in Australia are worried, particularly with Coalition plans to ban them from ever returning to Australia, even as tourists, regardless of where they eventually settle.

There are also concerns about going to the US because of promises made by the president-elect, Donald Trump, such as that he would ban Muslim immigration.

Lawyers have also issued warnings for hundreds of Manus detainees currently engaged in several legal cases related to their detention.

“As there are multiple cases that might affect you concerning your treatment and detention on Manus Island, you should be aware that signing documents in one case might affect your ability to obtain compensation, or even to participate, in other cases,” one message said.

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

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

Since offshore processing was restarted by the Australian government in 2001, it has been plagued with complaints and problems.

In recent years evidence of trauma, mental illness and desperation has increased. There have been several deaths from within the system, including of Reza Barati, who was beaten to death during a disturbance on Manus Island, and Omid Masoumali, who died in hospital after setting himself on fire in front of visiting UNHCR delegates earlier this year.

In August the Nauru files, published by Guardian Australia, revealed details of widespread trauma and allegations and instances of abuse, as well as inadequate responses by service providers.

International governments, organisations and rights groups including the UN, Amnesty International and Human Rights Watch have repeatedly criticised Australia’s policy.

The Australian and Nauruan governments have consistently dismissed the allegations and reports, including accusing advocates and journalists of exaggeration and fabrication.

Under the US arrangement those who do not choose resettlement could return to their country of origin, settle in Cambodia, or remain on Nauru with a 20-year visa.

“Under the original agreement Nauru was only ever a temporary home and this has been a focus of our discussions with Australia for a long time,” the Nauruan justice minister, David Adeang, said.

“Finding appropriate countries is a key part of the success of the refugee processing and temporary settlement arrangements.”

<https://www.theguardian.com/australia-news/2016/nov/14/nauru-and-manus-island-refugees-and-asylum-seekers-sceptical-of-us-deal>

10. Federal Government urged to find solution for all asylum seekers on Manus Island, Nauru: UNHCR

ABC Radio CAF - AM

By political reporter Naomi Woodley

First posted Sun 13 Nov 2016, 10:38pm

Updated Sun 13 Nov 2016, 10:51pm

The United Nations refugee agency says the Federal Government must find a solution for all asylum seekers held on Manus Island and Nauru, and not just those recognised as refugees.

The Federal Government has announced a one-off resettlement deal with the United States, for an unspecified number of refugees held in the offshore processing centres on Nauru and in Papua New Guinea.

But the UNHCR said all those sent offshore had been "immensely damaged" by the process and needed help.

"It's important that they don't remain in Nauru and Papua New Guinea, where they've stayed for far too long and indeed languished in limbo," said UNHCR's external relations officer, Catherine Stubberfield.

"There's still a large number of vulnerable people who in fact have been immensely damaged by these arrangements and who equally will need a solution at some point."

The agency stressed it was not a party to the deal struck by the Australian and US Governments, but said it would endorse the arrangement.

It has, however, called on both countries to act quickly.

"People can't afford to wait a long time anymore," Ms Stubberfield said.

"They've been there far too long — they've been there in limbo with their lives very much on hold, and a deteriorating mental health situation.

"A firm majority of those on Nauru and Manus Island have been recognised as refugees, so we are looking at quite a sizeable number of people.

"They'll be assessed and then resettled according to vulnerability criteria that are clearly and objectively established by UNHCR and agreed to by the Governments involved."

The Government said it would give priority to the women and children on Nauru over the men currently on Manus Island.

"This is not available to somebody who's being marketed to by a people smuggler at the moment," Prime Minister Malcolm Turnbull told Sky News.

'Ring of steel' to protect against people smugglers

The Federal Government has sent a fleet of ships to Australia's north in anticipation that people smugglers will use the US deal to try to send more asylum seekers to Australia by boat.

One Government source referred to it as "a ring of steel".

"These criminals are very adept marketers, and so you've got to send a crystal clear message, if you seek to come to Australia by boat, with a people smuggler, you will not succeed," Mr Turnbull said.

"I took steps to acquire additional maritime assets not long after becoming Prime Minister, late last year.

"It was always clear to me if we were to enter into a deal of this kind we would need to be in a position to respond to any additional activity from the people smugglers."

The UN refugee agency has warned that if asylum seekers again seek to arrive in Australia by boat, the Federal Government cannot ignore Australia's international obligations.

"While UNHCR appreciates the need to combat human smuggling, human trafficking and any other forms of criminal activity that may take place in this context, that should never be done to the detriment of refugees and asylum seekers," Ms Stubberfield said.

"Australia's fundamental obligations in terms of receiving these people and making sure their claims are processed don't change in this process, and indeed the approach Australia has taken in the sense of its refusal to allow people to seek asylum on its territory in recent years, sets a very negative precedent, and is contrary to the spirit of the refugee convention."

UNHCR says alternatives need to be considered

The Federal Government is also working with the Nauruan Government to create a 20-year visa, which will be the only option for any refugee who rejects the US deal and does not want to return to their country of origin.

But the UNHCR said it retained long-held concerns about the situation on Nauru.

"There's a number of issues in terms of fundamental rights for refugees on Nauru, the conditions in which they've been held, and until today a lack of long-term solutions," Ms Stubberfield said.

"We don't consider Nauru an appropriate place to for refugees to settle in the longer term and we do think alternatives need to be pursued."

<http://www.abc.net.au/news/2016-11-14/federal-government-urged-to-find-solution-for-all-asylum-seekers/8021868>

11. Government plan to settle refugees in the US 'no plan': refugee advocates

Sydney Morning Herald

November 13 2016

Neelima Choahan

A "one-off" bilateral agreement that will see some refugees on Manus Island and Nauru resettle in the United States lacks detail and leaves many questions unanswered, refugee advocates say.

Prime Minister Malcolm Turnbull and Immigration Minister Peter Dutton announced the deal on Sunday morning that will see the 1800 detainees encouraged to return home, seek resettlement in the US or face an indefinite stay in the Nauruan community.

Women, children and families on Nauru would be a priority. But there is no certainty the agreement would be upheld by President-elect Donald Trump who has suggested a ban on all Muslim immigration.

Speaking at a joint press conference in Melbourne, representatives from five different organisations slammed the arrangement as "policy on the run".

Daniel Webb, who is the director of legal advocacy at the Human Rights Law Centre, said the plan was no plan.

"This announcement is full of holes," Mr Webb said. "No timeframes, no numbers, no details on what the government will do with the hundreds of innocent people who will be left behind."

However, Mr Webb said he supported and urged the opposition's Labor Party to support any measure that would end the "painful limbo" of those languishing in Nauru and Manus Island for the past three years.

He said offshore refugee resettlement policy was a "festering sore" that would only end when there was a "just and humane" resolution for every person.

Australian Churches Refugee Taskforce executive officer Misha Coleman said they wanted to "see the deal" first.

"We are waiting for plane tickets, not promises," Ms Coleman said.

"There is nothing on the dotted line. The first we heard about the deal was a statement from US Secretary of State John Kerry from New Zealand that there had been some arrangement brokered. But the detail is scant. We don't know whether this deal is for two people or 200 people."

Ms Coleman said Australia could not rely on others to take "our responsibility and fix our problem".

She said they also rejected the government's proposal to deport 370 people already in Australia before they could be resettled permanently.

Asylum Seeker Resource Centre chief executive Kon Karapanagiotidis said the announcement left many people in the dark.

He also slammed the government's lack of consultation with UNHCR.

"We are doing our best to give context and reassurance to the people we are working with at the coalface," Mr Karapanagiotidis said.

UNHCR has welcomed the announcement that they say would provide a "long-term solution" for refugees in a "precarious situation".

However, the organisation said it still did not know the full details and were not a party to it.

Refugee Action Coalition spokesman Ian Rintoul said the announcement had done "little" to settle the issue of offshore detention.

"It is an admission that Nauru and Manus Island are offshore dead-ends, but the deal still leaves the future of asylum seekers and refugees up in the air," Mr Rintoul said.

"The deal means there is no certainty for the asylum seekers and refugees marooned on Nauru and Manus Island. And there is a serious question over the future of the thousands of single men, given the announced priority that will be given to women, children and families."

Humans Rights Watch Australia director Elaine Pearson said the agreement was not perfect, but was a "major step forward".

<http://www.smh.com.au/federal-politics/political-news/government-plan-to-settle-refugees-in-the-us-no-plan-refugee-advocates-20161113-gso4e0.html>

12. Amid breakthrough deal, Malcolm Turnbull defends Peter Dutton and Scott Morrison

Sydney Morning Herald
November 13 2016 - 9:32PM
Fergus Hunter

Prime Minister Malcolm Turnbull has used the striking of a refugee resettlement deal with the United States as an opportunity to heap praise on Immigration Minister Peter Dutton and his predecessor in the portfolio, Treasurer Scott Morrison, who he says have been unfairly maligned.

The two men, the main standard-bearers of the Coalition government's hardline border policies since 2013, "have suffered from constant, often vicious attacks, claims that they lack compassion, that they lack heart", the Prime Minister said.

Announcing the "one-off" deal with the Obama administration, Mr Turnbull said the "ability to ensure that compassion is available is only there because of the strength of character of Peter Dutton, his predecessor Scott Morrison and the remarkable men and women that Peter leads".

The arrangement seeking to empty the Manus Island and Nauru detention centres will resettle an unspecified number of refugees - with priority placed on women, children and families - in the US.

The alternative offered would be returning home or remaining in the Nauruan community indefinitely.

"The work that the Coalition government has done in keeping our borders secure has enabled us to reach this agreement," Mr Turnbull said.

"We could not possibly have countenanced this if there were thousands of people coming to Australia, or attempting to come to Australia, in people smuggling ventures. This agreement is built on the security of our borders."

Mr Dutton has come under fire for saying refugees coming to Australia "won't be numerate or literate", would take Australian jobs and "would be languishing in unemployment queues".

Earlier this year, a group of Save the Children charity staff were compensated by the Department of Immigration and Border Protection after they were wrongly accused of coaching asylum seekers to self-harm. The allegations, which resulted in the minister at the time Mr Morrison ordering the workers' removal from the Nauru facility, were repeated by him and appeared on the front page of The Daily Telegraph.

Soon after coming into power, the Coalition instituted Operation Sovereign Borders to stem the heavy flow of boats carrying asylum seekers, which restarted under the Rudd and Gillard Labor governments.

No asylum seekers boats have reached Australia in more than 800 days.

<http://www.smh.com.au/federal-politics/political-news/amid-breakthrough-deal-malcolm-turnbull-defends-peter-dutton-and-scott-morrison-20161113-gso671.html>

13. 'Ring of steel': Government sends off 12 naval, ABF ships to block people smugglers

ABC News Online

Exclusive by Defence reporter Andrew Greene

First posted Mon 14 Nov 2016, 11:16am

Updated Mon 14 Nov 2016, 1:08pm

Australia's "largest maritime operation" in peacetime history will involve up to a dozen patrol boats and a supporting Naval Warship, as well as an offshore patrol vessel from the Australian Border Force (ABF), to create a so-called "ring of steel" to block future people-smuggling ventures.

The unprecedented exercise in Australia's northern waters was confirmed by Prime Minister Malcolm Turnbull over the weekend in preparation for a possible surge in asylum seeker boats as a result of the United States refugee resettlement deal.

Military sources have confirmed to the ABC that six Royal Australian Navy Armidale Class ships are already deployed to the north, and will soon be joined by a major fleet support unit, which could be either an ANZAC-class warship or a Guided Missile Frigate.

The Royal Australian Air Force is also contributing to the huge operation with surveillance assets such as P3-Orions.

As well as the substantial military involvement, the ABF is sending up to half a dozen of its Cape Class patrol boats which will be supported by an offshore patrol vessel.

One source familiar with the operation has confirmed other government agencies, including the Australian Secret Intelligence Service, are involved in the effort.

Earlier today, Defence Industry Minister Christopher Pyne declined to say which Australian Defence Force and ABF assets were being used.

"In terms of our deployment north of Australia — that's classified information," Mr Pyne told reporters.

<http://www.abc.net.au/news/2016-11-14/dozen-naval.-abf-ships-sent-off-to-block-people-smugglers/8023636>

14. Turnbull says America will decide final numbers to be resettled

Immigration minister Peter Dutton confirms Australia is in talks with other countries as Labor offers cautious support for US deal

The Guardian

Paul Karp

Monday 14 November 2016 09.30 AEDT

The prime minister, Malcolm Turnbull, has said a "substantial" number of refugees in offshore detention will be eligible to settle in the US but it's up to the US to decide how many.

Labor has said it will continue to oppose the government's proposed lifetime refugee travel ban, despite pressure from the Turnbull government following its United States refugee resettlement deal.

The immigration minister, Peter Dutton, has also confirmed Australia is in talks with other countries for resettlement deals.

On Sunday the government announced some of the refugees held at Australia's remote offshore detention facilities on Nauru and Manus Island would be offered resettlement in the US, prioritising women, children and families.

Turnbull told Channel Nine's Today program on Monday that a "substantial number" of refugees would be eligible for resettlement in the US but the two countries had "not set a number" on how many it would take.

He said both the number of refugees taken and timing for resettlement were matters for the United States but processing would take "some months".

At a press conference in Sydney Turnbull added that US officials would travel to Australia then Nauru in the next few days and the Australian government hoped the deal would proceed "in a speedy manner".

On the Today program Turnbull was asked what would happen when Donald Trump became US president on 20 January, and he replied: "We deal with one administration at a time."

"You don't discuss confidential matters with one administration with a future administration."

He told Sky News on Sunday that “the United States government meets its commitments from one administration to another”.

At the press conference, Turnbull said the refugees resettled in the US would not add to its refugee quota, suggesting the deal would not be torn up by Trump because it was part of the country’s ongoing humanitarian program.

Turnbull said asylum seekers that weren’t resettled in the US could return to their home countries, some were eligible to go to Cambodia, and could go to Nauru after the government negotiated a 20-year visa.

On Monday Labor’s immigration spokesman Shayne Neumann told ABC’s AM the opposition would give in-principle support for the US resettlement deal but continued to oppose the refugee travel ban.

Labor’s caucus unanimously rejected the travel ban last week. The opposition leader, Bill Shorten, labelled it “ridiculous” because a refugee resettled in a third country would be banned from coming to Australia as a tourist or on a business trip.

Neumann accused the government of “attacking Labor from the right” on the issue despite the opposition offering bipartisan support for offshore processing and boat turnbacks.

Labor would not allow refugees now in offshore detention to be resettled in Australia but said it planned to clear the camps through third-party resettlement deals.

Neumann said the travel ban was “ridiculous and unnecessary”, and would make resettlement deals less likely. He cited comments by New Zealand’s prime minister, John Key, that he would not accept refugees becoming second-class citizens who could not travel to Australia.

No countries had asked for the refugee travel ban, Neumann said.

“We do know that the American government ... did not seek this either as a condition of the one-off resettlement arrangement.”

Speaking on Radio National Dutton said it was “hard to say” how many refugees the US would accept or how many of the up to 1,600 refugees in offshore detention would be resettled.

Dutton said the government was “not publicly disclosing” the details of the US agreement, but added it was in talks with other countries for further deals.

“All of these works are heading in a parallel direction – it’s not the case that we can’t negotiate with other countries while negotiating with the US.”

Asked about earlier statements that a New Zealand deal would put “sugar back on the table”, Dutton said his views hadn’t changed but then claimed the government wouldn’t rule in or out various resettlement options.

Dutton criticised Labor for the fact nobody was resettled in East Timor and Malaysia during its term in government, despite the fact Coalition opposition to the plan scuttled the Malaysia solution to deter people smugglers.

Both the prime minister and immigration minister stressed the US deal would not apply to new arrivals, so people-smugglers could not promise coming to Australia would result in resettlement in the US.

Dutton called on Labor to support the refugee travel ban, accusing Labor of using the slogan that it was on a “unity ticket” with the government.

“If there’s any meaning to it then [Shorten] has to support this legislation, because he worries about people coming in 30 or 40 years on a tourist visa, well deal with that matter then, or deal with it when they get into government and repeal the legislation.”

“The problem we’ve got is here and now with boat arrivals in the next three or four weeks or three or four months.”

<https://www.theguardian.com/australia-news/2016/nov/14/us-refugee-deal-turnbull-says-america-will-decide-final-numbers-to-be-resettled>

15. Malcolm Turnbull 'confident' Donald Trump will honour new asylum seeker deal

Sydney Morning Herald
November 14 2016 - 9:29AM
Latika Bourke

Prime Minister Malcolm Turnbull says he is confident a deal to resettle hundreds of refugees in the United States will not be wound back by President-elect Donald Trump after he is inaugurated in January.

The Prime Minister could not say how many of the 1600 detainees on Manus Island and Nauru would be destined for the US, but predicted a "substantial" number would be eligible.

He revealed that secret discussions on the deal, which was formally announced on Sunday, had been under way since January.

The "one-off" deal will only apply to asylum seekers currently on Nauru and Manus Island, and will also see a stepping up of Australia's on-water border control operations to dissuade people smugglers, who are expected to reopen the smuggling route once the asylum seekers are moved to a developed country.

Speaking to this former chief of staff, the conservative commentator Chris Kenny on Sunday night, Mr Turnbull told Sky he did not raise the matter with Mr Trump, who has pledged to ban Muslim immigration and curb Mexican migration, during their phone call on Wednesday.

"I deal with one administration at a time," said Mr Turnbull. "The United States government meets its commitments from one administration to another."

The head of a prominent US think tank has predicted a "firestorm" of opposition to the resettlement deal, calling it "the kind of thing the Trump administration will nix on day one".

"I don't expect any Republicans will defend it; I can't see a lot of Democrats defending it either. My sense is that when the word gets out on this, it'll be dead on arrival," Mark Krikorian, executive director of the Centre for Immigration Studies, told Fairfax Media.

He said discussions with the US government began with a personal discussion he had with President Barack Obama in January.

He said the agreement had to be read in the context of the "long history of cooperation on issues including national security" between Australia and the United States.

"The timing will be in the hands of the United States," he told Nine's Today program on Monday.

As it stands, there are 1600 detainees from the two centres who have been granted refugee status. The US quota will face health and security checks and come from within their existing annual intake.

"We have not set a number on it. The Americans will assess the refugees from a security and health point of view as referred to them," Mr Turnbull said.

Immigration Minister Peter Dutton told ABC that it was "hard to say" how many would be resettled in the US and that Australia was in "tentative conversation" with other countries about similar arrangements.

Mr Trump has threatened a trade war with China and an isolationist approach to foreign policy, which could leave Australia to do the heavy lifting in the Asia-Pacific region at a time when China is becoming increasingly assertive in the South China Sea.

But Mr Turnbull played down fears of a US-China trade war.

"In my job there's plenty to get worried about but I'm confident that the commercial relationships, economic relationships, will be managed in the national interest and it's clearly not in America's national interest to have some sort of economic cataclysm," he said.

Mr Turnbull repeated his suggestion that much of Mr Trump's election campaign rhetoric would not be met in government.

"I've been very careful not to make comments about Donald Trump or run a commentary on his policies because we'll see," he said.

"The one thing he knows ... and that Americans know – but I know Mr Trump knows this very well – (is) that we are a very good friend, a very strong ally and we are always very honest and frank with each other and he knows that."

And he said the president-elect had been impressed by Australia's naval expansion.

Mr Turnbull said as part of the asylum seeker deal with the United States, Australia's border patrols would be boosted. He said the government had sought "additional maritime assets" not long after he became prime minister in the leadership coup of September 2015.

"We needed to put in place all of the on-water measures ... to ensure that we were able to respond in the event that that people smugglers tried to use this as a marketing opportunity," he said.

"We'd rather overcompensate in terms of our response capacity than underdo it."

He pressed Opposition Leader Bill Shorten to back his new legislation that will ban for life any refugee who attempted to travel to Australia by boat from receiving a tourist or business visa.

Labor is opposing the move because it believes denying refugees lifetime access to Australia is a political tactic rather than a deterrent from the government.

Mr Turnbull said any future immigration minister would have a discretionary powers to waive the visa ban.

He also responded to the decision of the Sydney Mardi Gras to "uninvite" him from the official party next year because of his failure to implement same sex marriage.

"I've had so many invitations to go to their Mardi Gras parties ... we'll have no shortage," he said.

<http://www.smh.com.au/federal-politics/political-news/malcolm-turnbull-confident-donald-trump-will-honour-new-asylum-seeker-20161113-gsog7i.html>

16. Malcolm Turnbull downplays concerns Donald Trump may reverse refugee resettlement deal

ABC News Online

By political reporters Henry Belot and Stephanie Anderson

First posted Mon 14 Nov 2016, 6:06am

Updated Mon 14 Nov 2016, 8:25am

Prime Minister Malcolm Turnbull has sought to downplay concerns that a one-off refugee resettlement deal with the United States could be cancelled once President-elect Donald Trump assumes office in January.

The deal for an unspecified number of refugees held in offshore processing centres on Nauru and in Papua New Guinea was announced on Sunday with US officials to begin vetting refugees this week.

Their arrival will come around two months before Mr Trump takes office, but Mr Turnbull would not be drawn on concerns about the incoming administration when asked today.

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

"The United States has no closer ally, we have no closer ally."

Mr Trump has previously called for a "complete shutdown of Muslims entering the United States".

The ABC understands the resettlement offer will be made to the vast majority of people still in offshore detention centres and those currently in Australia for medical reasons.

The offer will not be made to those who have accepted resettlement elsewhere, nor those who arrive in the offshore centres from November 13 onwards.

Mr Turnbull would not say how many refugees would be resettled but stressed the US would not exceed its refugee intake quota.

"The refugees that would be granted resettlement in the United States under these arrangements do not add to America's quota," he said. "That's within their overall quota."

The final figure will be determined by US officials from the Department of Homeland Security, who will arrive in Australia in the next few days. Refugee Council of Australia president Phil Glendenning said the deal could be the first step in resolving Australian's "refugee crisis", but expressed some concern.

"We have very, very serious concerns about people who have been found not to be refugees..." he said.

"We know from bitter experience that if you get those decisions wrong and you send back people to their home country, to danger and persecution, some people pay with their lives."

<http://www.abc.net.au/news/2016-11-14/us-asylum-seeker-resettlement-deal/8022370>

17. Barack Obama may rush resettlement of Nauru, Manus refugees before Donald Trump sworn in

ABC Radio CAF - PM

By Julia Holman

First posted Mon 14 Nov 2016, 1:00pm

Updated Mon 14 Nov 2016, 1:09pm

Barack Obama's administration could rush through the Australia-United States refugee resettlement deal to get people on Manus Island and Nauru "under wire" before President-elect Donald Trump is sworn in, an immigration expert says.

The Australian Government is proudly promoting its policy to resettle some of the refugees on Manus Island and Nauru in the United States.

However, whether Mr Trump will keep the deal once he becomes president in January is another matter.

Mark Krikorian is the executive director of the Centre for Immigration Studies — a think-tank that supports tighter controls on immigration in the US.

He said the policy was contrary to Mr Trump's policies, and said Australia should not be dumping its refugee problem on the US.

"It strikes me as crazy," he told PM about the deal.

"I don't begrudge you all for giving it a try, but I have no idea why Obama would think this was a good idea and he would agree to it.

"The United States is not the dumping ground for other people's refugee problems."

He said if they were genuine refugees Australia should accept them.

"There are people all over the world that potentially could be resettled in the United States and we ought to be taking only the most desperate people who literally have nowhere else to go," he said.

"They do have somewhere else to go, and that is Australia."

'Entirely possible' Obama could rush deal

He did not think Mr Trump would maintain the deal, regardless of Australia's lobbying efforts.

"We have a good relationship with Australia — one of our closest allies in the world," he said.

"If this were a unique situation that there was no way for Australia to deal with, I could see extending them a helping hand, but this is just a matter of shipping these illegal immigrants to the United States.

"We've got 11 or 12 million of them, want some of ours?"

The Prime Minister said officials from the US would travel to Australia in the next few days, and then would go to Nauru where they would assess the claims.

Mr Krikorian said it was possible some could make their way to the US while Mr Obama was still president, pointing to the fact the assessment for Syrian refugees was sped up from 18-24 months to three months.

"I wouldn't put it past Obama," he said.

"It's entirely possible the administration will rush the admission of the illegal immigrants you all have offshore in order to get them in under the wire before January 20 when Trump becomes president."

<http://www.abc.net.au/news/2016-11-14/us-expert-questions-refugee-resettlement-plan/8023946>

18. Donald Trump backer says Australia-US refugee swap deal is 'dead on arrival'

Sydney Morning Herald
November 14 2016 - 1:16PM
Paul McGeough

Canberra's get-out-of-jail card on the future of the hundreds of Australia-bound refugees on Nauru and Manus Island may have a very short shelf-life, with the head of a prominent US anti-immigration think tank warning: "This is the kind of thing the Trump administration will nix on Day 1."

At the weekend, Prime Minister Malcolm Turnbull revealed a "one-off" deal with Washington, under which, for 1800 detainees in the Australian operated detention facilities, resettlement in the US would be an alternative to returning to their home countries or remaining in Nauru indefinitely.

Washington has not confirmed the deal publicly. But, after a brutal US election campaign, in which "illegal" immigration was the most bitterly contested policy, Mark Krikorian, executive director of the influential Centre for Immigration Studies, predicted a "firestorm" of opposition from anti-immigration activists.

"It's so difficult to justify," he told Fairfax Media. "I don't expect any Republicans will defend it. I can't see a lot of Democrats defending it either. My sense is that when the word gets out on this, it'll be dead on arrival."

On Sunday, Turnbull acknowledged the likelihood of a negative reaction from the incoming Trump administration.

However, there were conflicting signals from Canberra on whether the deal with the Obama administration could be formalised and executed before Donald Trump's January 20 inauguration.

Turnbull described it as a process "that will take time" but Liberal MP Andrew Laming told Sky News, "I think things will be moving" before the inauguration.

"They've got 68 days to pull it off," Krikorian said. Describing the Nauru and Manus island operations as "the Australian navy warehousing refugees", he claimed to be a big fan of Australia's "hawkishness" on immigration policy.

Acknowledging an upside for Australia in the deal, he then said: "I'm not sure why this is a good idea for the US - it's absurd. I'm not sure why we'd be taking them off your hands."

Alluding to Australia's separate refugee resettlement deal with Cambodia as though it was a more appropriate third-country destination for the refugees, Krikorian said: "I presume you paid Cambodia a lot of money?"

If it made sense for the Obama administration to agree to take 1800 refugees from Australia, then it might as well agree to accept "a million Afghans and Pakistanis from Germany. But why should we be taking these people that Australia doesn't judge to be legitimate asylees?"

Even parsing the deal in the context of speculation that the deal amounted to a people swap - Washington was taking a refugee group that were a challenge for Canberra at the same time as Australia had agreed to ease the immigrant pressure on the US by accepting US-bound refugees from camps in Costa Rica - failed to bend into a sensible argument, he claimed.

"If that's the case, why doesn't the US simply take the South Americans? What's the difference? What's the improvement in switching one group of people for another? It just doesn't make sense as a deal."

<http://www.smh.com.au/federal-politics/political-news/us-refugee-swap-the-kind-of-thing-trump-will-nix-on-day-one-says-washington-think-tank-20161113-gsoi51.html>

19. Australia's refugee deal may be scuppered by Trump, US expert warns

Immigration expert Niels Frenzen says Trump will want something in return if he is to honour the deal to take refugees from Nauru and Manus Island

The Guardian
Paul Karp
Tuesday 15 November 2016 09.04 AEDT

Donald Trump is likely to tear up Australia's refugee resettlement deal with the United States unless the US gets something significant in return, an American immigration expert has warned.

Niels Frenzen, the director of the immigration clinic at the University of Southern California school of law, also warned that if US vetting had not already started, refugees would not be resettled before Trump was inaugurated as president on 20 January.

On Sunday the Australian government announced a deal to resettle an unspecified number of refugees in the US. On Monday, Turnbull clarified that the US would determine how many refugees it took and said they would come out of its existing refugee quota.

Malcolm Turnbull has said he is confident the deal will hold. On Monday night the deputy prime minister, Barnaby Joyce, said he knew whether Trump would honour the deal, but could not reveal the answer.

On Tuesday, Frenzen told Radio National he assumed Trump would scrap the refugee deal.

“In all likelihood the only way it’s going to happen is if the refugees are transferred to the US before inauguration day [20 January],” he said.

“If the US has not already begun its own vetting or so-called background checks until now, if you look at the time the US has taken to vet Syrian refugees ... it’s unlikely that that could be accomplished in a few months.”

But Frenzen said if the US had been negotiating with Australia since January and vetting had been “ongoing” it was possible refugees could be settled before 20 January.

Frenzen warned that Trump would rescind the deal without the approval of congress. “A deal is a deal, until the deal is changed,” he said.

Frenzen said the US election debate on immigration and refugees had been “volatile”.

“I don’t see that there’s much political chance of Trump allowing this deal to go through, unless there is something else going on we’re not aware of right now, which is certainly a possibility.”

In September the Australian government agreed to take refugees in Costa Rica. Labor has questioned whether that commitment formed the first half of a bigger deal with the US to take Australia’s refugees from Manus Island and Nauru.

On ABC’s 7.30 program on Monday, Turnbull was asked what the government would tell Trump if he asked why he should accept Australia’s refugees.

He replied: “Well it’s the basis of a very long history of cooperation and you’ve seen the way we responded to President Obama’s refugee summit in New York, taking additional refugees from Central America.”

Asked if the deal was unlikely under Trump, Turnbull said: “You’re entitled to speculate about that but I’m confident that the arrangements we’ve set in place will continue.” He refused to countenance a plan B, saying only he was confident the deal would continue.

On ABC’s Q&A, Joyce was asked if he believed Trump would honour the deal. He replied: “Even if I do know and the problem with it is because I’m on the national security committee, I do know ... I really can’t answer you.”

Frenzen said he did not believe the Costa Rica deal would be sufficient to convince Trump and suggested taking detainees from Guantanamo Bay would be a bigger bargaining chip.

He noted “one of the biggest barriers” to the deal is that “a significant number of [the Nauru and Manus refugees], if not the majority ... are Muslim”. In the campaign Trump called for a ban on Muslims entering the US, then appeared to shift his position by saying properly vetted Muslims might still be allowed in.

Frenzen doubted Trump would be able to deliver on promises to deport illegal immigrants and build a wall or fence between Mexico.

He said he was “not sure” who the two to three million criminal illegal immigrants Trump plans to deport were, because Obama had already deported many in that category.

“People will get over walls or over fences, or under walls. Wall or fence – it’s just a campaign slogan, nothing more.”

<https://www.theguardian.com/australia-news/2016/nov/15/trump-tear-up-australia-refugee-deal-us-expert-warns>

20. United Nations to determine numbers to be resettled in US from Manus Island, Nauru

ABC News Online

By PNG correspondent Eric Tlozek and political reporter Stephanie Anderson

First posted Thu 17 Nov 2016, 5:26pm

Updated Thu 17 Nov 2016, 8:10pm

The United States Government says the United Nations will decide how many refugees it accepts from Australia's offshore detention centres in Nauru and Manus Island.

The statement from the US State Department's Bureau of Population, Refugees and Migration comes two days after the head of Australia's Immigration Department said the US would ultimately decide how many refugees were resettled.

In a press guidance note on the agreement, the US bureau stated they had "agreed to consider referrals from the UN High Commissioner for Refugees (UNHCR)".

It remains unclear how many of the 1,600 refugees on Manus Island and Nauru the US will take.

"The United States has a longstanding and successful program working with UNHCR to accept referrals of refugees for resettlement and will determine the size of this program in consultation with UNHCR," the bureau said.

"This program does not reflect a change in our overall refugee resettlement projections for Fiscal Year 2017."

On Tuesday, the secretary of Australia's Immigration Department, Michael Pezzullo, said the US would decide on the numbers.

Mr Pezzullo told a Senate committee in Melbourne there was no cap.

"All the persons that fall within the definition can express an interest and then the American Government can decide, once they've reviewed the cases, how many people they will take," he said.

"It's a process-driven arrangement, rather than a numerical arrangement."

Unclear if Trump will honour the deal

He said it would be within their rights for the Trump administration to take a different view in terms of resettling refugees, but added "we have an agreement with the US Government".

On Thursday the US bureau acknowledged questions about the potential change in the policy when Mr Trump takes office in January next year.

"President Obama set global refugee resettlement targets and regional allocations for 2017 in September," it said.

"We are not in a position to speculate on the plans of President-elect Trump."

The UN was also cautious in discussing the Coalition's proposal for a lifetime ban on the asylum seekers coming to Australia.

"We defer to the Government of Australia for information on possible Australian legislation," it said.

"Humanitarian operations worldwide should focus on saving lives, providing timely humanitarian assistance, ensuring the human rights of all migrants are respected, and promoting orderly and humane migration policies."

The bureau said the UNHCR would be referring refugees on the basis of vulnerability, which indicates agreement with Australian Government statements about families on Nauru being prioritised.

"We have a strong commitment to protecting vulnerable refugees around the world, and are proud to be part of a plan to help some of the vulnerable refugees in Nauru who are in need of resettlement," the bureau said.

<http://www.abc.net.au/news/2016-11-17/un-to-determine-the-number-of-refugees-to-be-resettled-in-us/8035276>

21. Manus Island, Nauru refugees could wait months before being resettled in the US under new deal

ABC News Online

By political reporter Stephanie Anderson

First posted Tue 15 Nov 2016, 10:31am

Updated Thu 17 Nov 2016, 1:58pm

It could be months before refugees accepted by the United States under a new resettlement deal land in America, the Department of Immigration and Border Protection has confirmed.

Prime Minister Malcolm Turnbull announced the one-off refugee resettlement deal for people on Manus Island and Nauru over the weekend.

Mr Turnbull said the process would not be rushed and immigration officials have today confirmed the transfer would take months.

The Department's deputy-secretary, Rachel Noble, told a Senate committee hearing it would take months — "or perhaps longer for some people" — before refugees arrived in the US.

Department secretary Michael Pezzullo did not rule out that some refugees could be resettled prior to President-elect Donald Trump taking office in January.

"Not everyone will be resettled by the 20th of January, 2017," he said.

"We can state that with absolute certainty."

The comments were made in response to questioning from Labor Senator Murray Watt, who voiced concerns over the agreement's fate under a Trump administration.

Mr Pezzullo said it would be within their rights to take a different view in terms of resettling refugees, but added "we have an agreement with the US Government".

"We are proceeding on the basis that the US Government honours its obligation," he said.

Mr Pezzullo also confirmed the final numbers of refugees resettled would be decided by the US.

He told senators that there was no cap.

"All the persons that fall within the definition can express an interest and then the American Government can decide, once they've reviewed the cases, how many people they will take," he said.

"It's a process-driven arrangement, rather than a numerical arrangement."

Claims bill targets people fleeing persecution

Mr Pezzullo was also asked about proposed changes to the Migration Act, ruling out any link to the US deal in his response.

He said the US had not raised concerns about the legislation, unlike the New Zealand Government.

Department officials also provided details on the ministerial discretion built into the legislation, saying that when acted upon, there are judicial review measures.

But human rights lawyer David Manne voiced concerns over what he called "completely unfettered personal power".

Mr Manne appeared before the Senate Committee and argued the bill deliberately punished people fleeing persecution.

Anna Talbot, legal and policy adviser at Australian Lawyers Alliance, also voiced concerns about the practicalities of the bill.

Ms Talbot said people with similar names to those that fall under the legislation could be affected.

<http://www.abc.net.au/news/2016-11-15/offshore-refugees-could-wait-months-before-heading-to-us/8026668>

22. Donald Trump will honour Australian refugee swap deal: former ambassador John Berry

The Age
November 16 2016 - 11:02AM
Tom McIlroy

Donald Trump will honour a refugee resettlement deal signed between Australia and the outgoing Obama administration, according to former US ambassador to Australia John Berry.

The Turnbull government is racing to implement an agreement for a one-off transfer of some of the 1800 detainees held in Australian immigration detention facilities on Manus Island and Nauru to the US.

The deal comes months after Australia said it would accept Central American refugees from camps in Costa Rica for settlement in Australia.

The agreement - under negotiation between Canberra and Washington for nearly a year - has been thrown into doubt by Mr Trump's shock election win. US Homeland Security officials are arriving in Australia this week to begin processing and security checks, with the prospect of some refugees being settled before the Republican administration takes office on January 20.

Mr Berry, who was appointed by Mr Obama and returned to the US in September, said he expected the deal would remain in place after the presidential inauguration.

"I do not foresee a big change on that issue, other than, you know, [Mr Trump] may take a short while to learn and come up to the speed on the issues," he told ABC TV.

"He might have a short suspension to allow him to do that but I suspect, once he understands what's at play here and that we would be doing it in full conformance with the law and security procedures, he'd be fine."

He said refugees eligible for resettlement face tough screening.

Australian officials believe the transfers won't be completed until after Mr Obama leaves office.

Prime Minister Malcolm Turnbull said this week the federal government deals with one US administration at a time.

Mr Berry said implementation of the deal was "a long way from being done".

"America's screening process has always been pretty tough, and always will be," he said.

"One of the things we'll be doing is a very thorough background investigation of anybody who would be allowed entry to the country through this process or any other. I think, whether that happens under President Obama or president-elect Trump, I don't see much difference in the short-term on that issue.

"It's a serious review, there's no guarantees, but again, in those cases where we can be of help, where they pass those screenings, this may be an opportunity for the United States to help Australia relieve some of the pressure on these sensitive areas."

<http://www.theage.com.au/federal-politics/political-news/donald-trump-will-honour-australian-refugee-swap-deal-former-ambassador-john-berry-20161115-gsq8jk.html>

23. Sex assault victims must return to Nauru, Manus for chance at US resettlement

The Age
November 15 2016 - 3:45PM
Amy Remeikis

Asylum seekers and refugees who have left Nauru and Manus for medical treatment in Australia, including sexual assault victims and mental health patients, will have to return to the islands if they are to have any chance of being accepted under the US resettlement deal.

However, they risk being forced to stay on Nauru if they are rejected by US authorities or the deal is scrapped.

Refugee advocates estimate that at least 10 women are in Australia receiving treatment for injuries sustained from sexual assault and rape while on Nauru. Those receiving treatment for serious mental and physical health issues and their immediate family and children make up another 360.

Under current laws, those receiving treatment in Australia will not be considered for a US visa unless they return to Nauru to apply.

If their application fails or the agreement is reversed, they would be blocked from returning to Australia and would have to accept a 20-year Nauru visa, return to their country of origin or accept the Cambodian resettlement deal.

Immigration Department secretary Michael Pezzullo confirmed the refugee resettlement deal secured with the United States would not be completed before President-elect Donald Trump takes office on January 20.

The deal, struck with the Obama administration after almost a year of negotiations, has been thrown into doubt by the election of Mr Trump, who ran on an anti-immigration and refugee platform during the election.

US Homeland Security officials are due to begin processing refugees in the coming days, but in a Senate committee hearing, Mr Pezzullo confirmed it would take months for any accepted refugees to arrive in the US and that no "rush order" had been placed on the agreement.

"There will be ... no rushing in any event because these procedures are in many cases [contained] in US law – the checks have to be done under US law and the program, which is a very large program, 100,000 people, has got multiple priorities," he said. "You are dealing with people all around the world, and not everyone will be resettled by January 20, 2017. I think we can state that to this committee with absolute certainty."

Mr Pezzullo wouldn't rule out anyone being moved before Mr Trump took his oath, but said: "I think we can say without breaching any confidences with our US partners that this committee can take it as read, that the program will not be completely delivered by January 20, 2017."

Under further questioning from Labor senators, Mr Pezzullo confirmed the women who were in Australia for treatment after being raped and sexually assaulted on Nauru would have to return to be eligible for resettlement under the US deal.

Asked if the women risked being left on Nauru if the deal fell through or their application was rejected, he said: "Until other settlement options could be achieved, yes. Yes."

Mr Pezzullo would not add to Prime Minister Malcolm Turnbull's comments about what would happen if Mr Trump decided to scrap the deal, other than saying the government would deal "with one administration at a time".

"We are dealing with the Obama administration. There is no capacity, there is no diplomatic means, in which you could be dealing with two governments – a government in waiting as well as a standing government," he said.

"We have an agreement between the two governments and should other contingencies or other eventualities arise, that is a matter that the Australian government will have to deal with at the time."

But there have already been rumblings that a Trump administration would ditch the deal, which Mr Pezzullo confirmed was not linked to Australia's acceptance of refugees from Central American detention camps.

California-based immigration and refugee law expert Niels Frenzen said Mr Trump was likely to scrap the plan.

Professor Frenzen, of the University of Southern California School of Law immigration centre, said the Republican could use executive powers of the presidency to end the deal, in part because many detainees are Muslim.

"I would assume that he would, so in all likelihood the only way that it's going to happen is if the refugees are actually transferred to the US before Inauguration Day.

"If the US has not already begun its own vetting or so-called background checks until now, if you look at the time the US has taken to vet Syrian refugees that have been coming to the United States, it's unlikely that it could be accomplished in a few months," he told ABC radio.

"If the US has been talking about this with Australia since January of this year, and if the vetting has been ongoing, then it's possible."

<http://www.theage.com.au/federal-politics/political-news/sex-assault-victims-will-have-to-return-to-nauru-manus-for-chance-at-us-resettlement-20161115-gspnel.html>

24. US officials arrive in Australia to assess refugees for resettlement

ABC/Reuters

First posted Sat 19 Nov 2016, 3:29pm

Updated Sat 19 Nov 2016, 3:37pm

US officials have arrived in Australia to begin assessing asylum seekers held on Papua New Guinea's Manus Island and Nauru for resettlement in the US.

Prime Minister Malcolm Turnbull announced last week the Government had reached a one-off resettlement deal with the US that would see them take some of the refugees held at Australia's offshore processing centres.

"Officials from Homeland Security are in Australia right now, in fact and they will be going to Nauru shortly," Mr Turnbull said on the sidelines of the APEC Summit in Lima, Peru.

The ABC understands the resettlement offer will be made to the vast majority of people still in offshore detention centres and those currently in Australia for medical reasons.

The offer will not be made to those who have accepted resettlement elsewhere, nor those who arrive in the offshore centres from November 13 onwards.

Mr Turnbull would not say how many refugees would be resettled, and emphasised that it would be up to the Homeland Security staff assessing refugees to decide on a final number.

"The refugees that would be granted resettlement in the United States under these arrangements do not add to America's quota," he said earlier in the week.

"That's within their overall quota."

Resettlement is unlikely to come before President-elect Donald Trump's January 20 inauguration, and Mr Turnbull said the timeline would be determined by American officials.

The Prime Minister has sought to downplay concerns that a Trump administration could cancel the deal, saying the two countries have "a long history of cooperation".

Mr Trump started campaigning for the presidency by advocating a blanket ban on Muslims entering the United States, but later adjusted his stance to propose that the ban should apply to people from nations that had been "compromised by terrorism".

Many of asylum seekers on Manus and Nauru are Muslims who have fled conflicts in Iraq, Syria, Afghanistan and Pakistan.

Professor Simon Jackman, chief executive of the United States Studies Centre at Sydney University, said the deal may require further negotiation once Mr Trump was in office.

"All of the signs from the Trump administration are that deals like this are looked at unfavourably," Professor Jackman said.

<http://www.abc.net.au/news/2016-11-19/us-officials-arrive-in-australia-to-assess-asylum-seekers/8040100>

25. Lifetime ban on asylum seekers 'not connected' to US deal, says immigration head

Michael Pezzullo says the US did not ask for the plan to permanently ban boat arrivals from entering Australia

The Guardian

Gareth Hutchens

Tuesday 15 November 2016 18.51 AEDT

The head of the immigration department has confirmed that legislation banning asylum seekers who arrive by boat from ever entering Australia is not necessary for the Turnbull government's refugee resettlement deal with the United States.

Michael Pezzullo, the secretary of the Department of Immigration and Border Protection, said the plan to permanently ban boat arrivals from entering Australia was an important policy but the US government did not ask for it.

"It's not connected in a mechanical sense," he said. "It's part of the Australian government's suite of measures."

He also confirmed it was the United States' prerogative to say how many refugees it would accept from Manus Island and Nauru under the resettlement deal and there was no way the deal would be completed before Donald Trump took office on January 20.

Appearing before a Senate committee on Tuesday, Pezzullo said it would take months for refugees to arrive in the US under the resettlement deal, because the US had its own procedures.

"The checks have to be done under US law and the program, which is a very large program, 100,000 people, has got multiple priorities," he said. "You are dealing with people all around the world and not everyone will be resettled by 20 January 2017. I think we can state that to this committee with absolute certainty."

He said the US government had not raised concerns – unlike New Zealand – that Australia's plan to ban asylum seekers arriving by boat would create two classes of citizens.

But he believed the plan would have a "dampening effect" on the efforts of people smugglers to boat asylum seekers to Australia.

On Sunday the Turnbull government announced a deal to resettle an unspecified number of refugees in the US but the following day Malcolm Turnbull clarified that the US would determine how many refugees it took and said they would come out of its existing refugee quota.

On Tuesday, the director of the immigration clinic at the University of Southern California's school of law, Niels Frenzen, said Trump was likely to tear up Australia's refugee resettlement deal with the US unless the US gets something significant in return.

He told the ABC's Radio National that he assumed Trump would scrap the refugee deal.

"In all likelihood the only way it's going to happen is if the refugees are transferred to the US before inauguration day [20 January]," he said. "If the US has not already begun its own vetting or so-called background checks until now, if you look at the time the US has taken to vet Syrian refugees ... it's unlikely that that could be accomplished in a few months."

<https://www.theguardian.com/australia-news/2016/nov/15/lifetime-ban-on-asylum-seekers-not-connected-to-us-deal-says-immigration-head>

26. Asylum seeker lifetime ban in trouble as key crossbench senators threaten to block it

ABC News Online

By political reporter Francis Keany

First posted Mon 14 Nov 2016, 10:32am

Updated Mon 14 Nov 2016, 11:32am

Key Senate crossbenchers say it will be difficult for the Federal Government to secure enough support for its changes to immigration laws.

The Coalition announced a refugee resettlement program with the United States on Sunday for those processed in facilities on Nauru and at Manus Island in Papua New Guinea.

The Federal Government has linked the US deal to its proposed changes to the Migration Act, which would place a lifetime ban on asylum seekers who arrived by boat from mid-2013 from ever entering Australia.

Labor and the Greens have reiterated their opposition to the plan, which passed the Lower House last week.

A number of key crossbench senators say they have doubts about the proposal, with the Federal Government yet to secure the eight independents it needs to get the legislation through the Upper House.

Nick Xenophon Team (NXT) senator Stirling Griff said while the party's three members in the Upper House would be given a conscience vote, at this stage the "majority of us" are likely to vote against the Government's proposal.

"A lifetime ban does nothing to support the Government's objective of stopping the boats. It really will absolutely make no difference," Senator Griff said.

"It is just a cruel exercise that very much damages our reputation internationally as well as locally."

NXT's Lower House MP Rebekha Sharkie voted against the changes last week.

Liberal Democrat senator David Leyonhjelm warned that while he supported the US resettlement arrangement, he was yet to be convinced the Migration Act changes are worth voting for.

"It's going too far, also I don't think it's enforceable," he said.

Senator Leyonhjelm said he would put up amendments to the bill and was also concerned that it would prevent refugees from the Pacific region from entering Australia if any conflicts broke out.

MPs on board with proposal

One Nation leader Pauline Hanson is a supporter of the Federal Government's proposal.

In a statement, senator Jacqui Lambie said she too was supportive of the changes to the Migration Act and offered in-principle support for the US resettlement deal.

But she also wanted "a tougher approach" from the Federal Government and the international community to tackle people smugglers.

Victorian independent Senator Derryn Hinch said he had not seen the legislation but also expressed doubts about the proposal unless the Federal Government made changes.

"[I was] told it exempts under-18s, which is a start, but lifetime bans [are] not practicable," Senator Hinch said in a statement.

Sunday's refugee resettlement deal with the United States is not contingent on the visa changes passing through Parliament.

Prime Minister Malcolm Turnbull said the legislation is needed to ensure the resettlement deal is not used as a marketing tool for people smugglers.

"We are now establishing resettlement options for people on Nauru and Manus that Labor left there," Mr Turnbull said.

"And what we need to do is send the most unequivocal message that those who seek to come to Australia with a people smuggler will not be able to come to Australia."

Opposition Leader Bill Shorten said there is no link between the deal and the Government's proposed ban.

"The Government hasn't made the case, it hasn't shown the evidence," he said.

<http://www.abc.net.au/news/2016-11-14/mps-threaten-to-block-lifetime-ban-on-asylum-seekers/8023328>

27. Lifetime ban on refugees visiting Australia in trouble as crossbenchers voice opposition

As the Coalition ramps up its rhetoric, senators Leyonhjelm, Hinch, Griff and Kakoschke-Moore express concern

The Guardian

Paul Karp

Monday 14 November 2016 16.56 AEDT

The government's proposed lifetime ban on refugees in offshore detention visiting Australia is in trouble after several crossbench senators voiced opposition to the bill.

Despite the Coalition ramping up its rhetoric on the ban, Labor confirmed it still opposed it on Monday, and senators David Leyonhjelm, Derryn Hinch, Stirling Griff and Skye Kakoschke-Moore expressed concerns.

Under a lifetime ban, refugees on Manus Island and Nauru would be banned from visiting Australia even if they become citizens of another country.

On Sunday the government unveiled a resettlement deal that would allow an unspecified number of refugees to settle in the US and called on Labor to pass the ban to send the "strongest signal" that none of the refugees would ever come to Australia. Labor refused, repeating its criticism that the ban was "ridiculous".

The bill has passed the lower house and the government is seeking to pass it in the Senate in the remaining two sitting weeks of the year.

Given that Labor and the Greens oppose it, and Bob Day's Senate seat has not been filled, the no camp needs just three crossbench senators to block the bill. The Nick Xenophon Team will have a conscience vote on the issue.

On Monday, Griff, the NXT's immigration spokesman, told Guardian Australia he believed "that the ban would be cruel, and does nothing to achieve the objective of stopping the boats".

"Everyone in the NXT party room has indicated concern at some level."

NXT had asked the government to consider substantially increasing the humanitarian intake, he said, but the government had not indicated that this would be considered.

Griff said the government "would need to pull a lot of rabbits out of its hat" to get more votes from NXT.

A spokeswoman for Kakoschke-Moore said the senator "can't support the bill in its current form" but would make a final decision after further consultation with the government and stakeholders.

Hinch told Guardian Australia he had not seen the legislation, and he was "told it exempts under-18s, which is a start", referring to the fact that people who were children when they were sent to detention would not be banned. "But lifetime bans [are] not practicable," he said.

According to an ABC report, Leyonhjelm said he supported the US resettlement deal but was yet to be convinced he should vote for the Migration Act changes.

"It's going too far, also I don't think it's enforceable," he reportedly told the ABC, as well as expressing concerns that the bill would prevent refugees from the Pacific region from entering Australia if any conflicts broke out. Leyonhjelm said he would propose amendments to the bill.

One Nation and Senator Jacqui Lambie support the refugee travel ban.

At a press conference in Sydney on Monday, Malcolm Turnbull addressed Bill Shorten and said: "The Australian people support the government in sending this clear and unequivocal message.

"You know Australians want their borders kept secure, you know that Australia recognises that our policy on border protection has worked.

"You claim you're on a unity ticket with us, well, words are cheap, what we need is action – we need deeds, we need the Labor party to support that legislation in the Senate."

The Labor leader said the government "hasn't made the case" for the ban.

"It hasn't shown the evidence that the visa ban legislation is automatically linked to what the Americans require for this regional resettlement deal," Shorten said on Monday. "Our best information is that the Americans are not putting on the table a requirement that you have this sort of lifetime visa ban."

He called on the government to stop "playing politics with this issue of regional resettlement".

"What really matters here is stopping the people smugglers, making sure that people are not drowning at sea but also making sure that after three-plus years, we can resettle genuine refugees in the United States or other countries."

<https://www.theguardian.com/australia-news/2016/nov/14/lifetime-ban-on-refugees-visiting-australia-in-trouble-as-crossbenchers-voice-opposition>

28. Lifetime visa ban for refugees in doubt as crossbenchers balk

Sydney Morning Herald

November 14 2016 - 6:12PM

Mark Kenny, Paul McGeough & Heath Aston

Malcolm Turnbull's "ring of steel" asylum seeker arrangements designed to buttress his new US resettlement deal could be weakened by Labor, Greens and crossbench opposition to a proposed lifetime visa ban on post-2013 boat arrivals.

The Prime Minister warned that Labor "vacillation" would quickly become a marketing opportunity for people smugglers eager to convince desperate asylum seekers that the resettlement of the Manus Island and Nauru refugees represents a lowering of Australian resolve.

With the Nick Xenophon Team and others also likely to vote against the visa ban, crossbench uncertainty adds to the raft of unknowns about the separate US transfer agreement, including suggestions it will be swiftly vetoed by the incoming Trump administration.

The resettlement of offshore detainees in the US has been welcomed by all sides of politics, but the Prime Minister's hopes of imposing an Australian lifetime visa ban on any of those refugees ever returning looks like going down.

Mr Turnbull and Immigration and Border Protection Minister Peter Dutton say the visa ban is crucial as a statement of intent as they turn up the heat on Labor.

Labor voted against the legislation in the lower house, despite claiming it is otherwise on a "unity ticket" with the Coalition on border protection.

"Last week Bill Shorten abandoned the national interest when he voted against the legislation to strengthen the integrity of our nation's borders," Mr Turnbull said.

"If Bill Shorten and Labor need an excuse to correct their mistake, this resettlement deal provides the opportunity.

"Now more than ever Mr Shorten should show the strength to stand united with the government in the national interest before his vacillation becomes used as a marketing ploy by the people smugglers as they seek to restart their evil and deadly trade."

While not a condition of the US deal as the government originally foreshadowed, the ban is a deliberately harsh and inflexible statement calculated to dispel any hope of those in offshore detention ever getting to Australia.

The government remains upbeat about its agreement to resettle the 1600 refugees housed in Manus and Nauru holding up despite the change of presidents in the US.

Mr Turnbull admitted he had not raised the controversial agreement with President-elect Donald Trump in their post-election telephone discussion.

"Well, because we deal with one administration at a time," he told Nine's Today show. "And you don't discuss confidential matters with one administration with a future administration. Look, it's fairly straightforward, because we deal with one president at a time."

Washington has not provided any further details of the deal, but after a brutal US election campaign, in which "illegal" immigration was the most bitterly contested policy, Mark Krikorian, executive director of the influential Centre for Immigration Studies, predicted a "firestorm" of opposition from anti-immigration activists.

"This is the kind of thing the Trump administration will nix on day one," he said. "It's so difficult to justify."

"I don't expect any Republicans will defend it. I can't see a lot of Democrats defending it either. My sense is that when the word gets out on this, it will be dead on arrival."

Despite the resettlement deal, the cost of offshore detention is likely to eclipse \$5 billion by 2019.

A report by UNICEF and Save the Children, released in September, found the total cost to the public of operating the detention system on Nauru and Manus Island had cost \$3.6 billion since the reintroduction of offshore processing by Labor in 2012.

That equates to \$400,000 for each asylum seeker transferred to those islands since the centres were reopened.

An Australian Audit Office report of 2016 put that figure even higher, at \$573,000 per asylum seeker.

At \$200,000, locking up a prisoner in an Australian jail costs about a third of that.

The projected cost to 2019-20 is a further \$1.9 billion, even with a shrinking detainee count in each location.

The UNICEF report found a complete and immediate shutdown of detention facilities on Manus and Nauru would save taxpayers \$2 billion over four years.

But there is little likelihood that Manus will be emptied of all detainees through the US agreement alone, and the cost of maintaining turnbacks at sea will continue throughout that period.

Turnbacks are estimated to have cost nearly \$300 million since Operation Sovereign Borders began.

Other costs associated with the offshore processing system include \$40 million on the all but failed scheme to resettle refugees in Cambodia, and \$275 million spent on "regional co-operation activities" which aim to strengthen relationships with other governments around deterring asylum seekers from attempting to get to Australia by boat.

<http://www.smh.com.au/federal-politics/political-news/lifetime-visa-ban-for-refugees-in-doubt-as-crossbenchers-baulk-20161114-gsou12>

29. Asylum seekers who came on boats to Australia jailed in Vietnam, advocacy group says

ABC Radio CAF - PM

By Peta Donald

Posted Mon 14 Nov 2016, 4:03pm

Asylum seekers who were returned to Vietnam under Australia's boat turn-back policy have been punished with jail terms, a Melbourne-based Vietnamese advocacy group says.

During the election campaign the Federal Government trumpeted the return of a boat carrying 21 asylum seekers, intercepted en route to Australia.

It was the 28th boat to be turned back by Operation Sovereign Borders, which has now turned back 29 boats.

The Federal Government has previously said those turned back to Vietnam had been interviewed at sea, and it was found they were not owed protection because they were not facing political or religious persecution.

Voice Australia, a group that helps Vietnamese asylum seekers, has been in touch with a lawyer for two of the organisers of the ill-fated trip to Australia from Vietnam by boat, picked up in June.

Spokesman Trung Doan said a husband and wife who organised the trip but did not make a profit were facing respective minimum jail terms of one and seven years.

Mr Doan has also been in touch with relatives of those who were returned to Vietnam last year, on two separate boats, each carrying 46 people.

He said five asylum seekers from those boats were either in jail or facing jail terms, under Vietnamese law that makes it illegal to organise a trip to flee Vietnam.

"One of the men, I've been in touch with his wife, she said his legs have now become immobile, because of the conditions in the jail," Mr Doan said.

"He can't move he has to be in a wheelchair."

Mr Doan said while some of the asylum seekers were "economic refugees", others had fled because they were farmers who had their land confiscated were regularly interrogated by the authorities due to protests.

"They've been interrogated by authorities which really scared them and they wanted to leave," he said.

Air and sea patrols of Australia's northern waters are being increased in what the Government has called "ring of steel" to prevent people smuggling, after the announcement refugees on Manus Island and Nauru would be resettled in the United States.

<http://www.abc.net.au/news/2016-11-14/vietnam-boat-people-facing-jail-after-being-turned-away/8024702>

30. Australian removalist company forced to pay thousands to asylum seeker it exploited

Shelly Removals and Storage Pty Ltd only paid the man for 38 to 40 hours a week when he regularly worked 50

The Guardian
Helen Davidson
Thursday 10 November 2016 19.17 AEDT

A Melbourne removalist company has been forced to pay \$9,000 to a Sri Lankan asylum seeker it underpaid for work over three months.

The Fair Work Ombudsman said the company, Shelly Removals and Storage Pty Ltd, had only paid the man for 38 to 40 hours a week when he regularly worked 50. It also paid him at a flat rate of \$18 an hour, well below the award base rate of \$23.75, up to \$52.25 for overtime and public holidays.

It was the man's first job since arriving in Australia, gained after answering an advertisement placed by the company on a noticeboard at an Australian Migrant English Service centre.

He was employed as a casual truck driver and removalist between October 2015 and January 2016 and was paid at the flat rate including on weekends and public holidays.

"Overseas workers are entitled to receive the same minimum rates and entitlements that apply to all workers in Australia – and the rates are not negotiable," ombudsman Natalie James said.

Shelly Removals and Storage also took unlawful deductions from his wages for "insurance excess" after he was involved in an accident, and did not pay his meal allowances.

The ombudsman launched its investigation after the worker lodged a complaint and said the company's director, Sima Vaknin, had fully cooperated. The company backpaid the employee and agreed to enter an enforceable undertaking with the ombudsman to overhaul its working practises. It will face no legal action.

Vaknin told Guardian Australia the company was not aware it had been underpaying the man at the time. She said she didn't know that the ombudsman's ruling was made public and declined to comment further.

The man was on a bridging visa with work rights. As of July this year about 28,000 people are currently on bridging visas in Australia, with an unknown proportion allowed to find employment.

Community organisations have previously told the Guardian about two-thirds can work and there are widespread cases of exploitation by employers.

Kon Karapanagiotidis, the chief executive of the Asylum Seeker Resource Centre, said exploitation was common and a "major ongoing issue".

"It's common for people to be paid \$5, \$7, \$8 an hour, working overtime and not getting paid overtime, working in unsafe working conditions," Karapanagiotidis told Guardian Australia. "Then when they find out [their rights] they get the employers saying they'll report them to immigration."

There is no suggestion that working conditions at Shelly Removals and Storage were unsafe or that its employee was told he would be reported to immigration.

Karapanagiotidis said people were "terrified" and knew they were vulnerable but often accepted it because they feared it would impact their asylum claim. Strict behavioural codes added to their fear of being seen to step out of line, he suggested.

The Australian employment system was also very complicated for a new arrival, and his organisation had sought to educate asylum seekers and business owners through its employment hub, connecting employers with workers.

"We can't keep up with employer demand but we have to vet so many unscrupulous training providers and people who think our workforce can be exploited," he said.

<https://www.theguardian.com/australia-news/2016/nov/10/australian-removalist-company-forced-to-pay-thousands-to-asylum-seeker-it-exploited>

31. Immigration department blames Nauru freedom of information delay on 'junior officer'

Lawyers for department say six-month delay to information about asylum seekers was not a 'deliberate tactic'

The Guardian
Calla Wahlquist
Wednesday 16 November 2016 16.04 AEDT

The Department of Immigration and Border Protection has denied suggestions it sought to delay access to information about asylum seekers on Nauru after receiving a letter from the Nauruan government, saying a six-month lag was due to a mistake made by a "junior officer."

At a public hearing of the Administrative Appeals Tribunal, which reviews government decisions, lawyers for the department attributed the delay in fulfilling a freedom of information application to a simple error.

But they argued the FOI should be appealed on the grounds it could reasonably be expected to damage Australia's international relations, a concern that "had arisen" since March.

"I can categorically deny that there's any inference that can be taken from the evidence before the tribunal that there's been some sort of deliberate tactic to delay proceedings," the department's lawyer, Elena Arduca, said.

It comes two weeks after a department official accidentally sent an email to Guardian Australia about the "freezing" of Nauru-related freedom of information requests.

The department is seeking an extension to appeal the information commissioner's decision on a freedom of information request made by the Melbourne lawyer Alex Cuthbertson about the number of asylum seekers or refugees on Nauru who identify as a specific language group, religion and nationality.

Cuthbertson is representing a woman who was raped and became pregnant during her time as an asylum seeker on Nauru. She made the FOI in July 2015 to assist in a high court application to prevent the woman, who was flown to Australia to have the pregnancy terminated, from being returned to Nauru.

She argued that the delay in receiving information prejudices her client, who could be deported to Nauru on 72 hours' notice.

The 28-day appeal period on the information commissioner's decision expired in April but the department did not lodge its application with the tribunal until 14 September.

Arduca, reading from a statement by Karen Tulloch, the assistant director of the department's FOI division, said the file had been "inadvertently closed" by a "junior officer" and that Tulloch only became aware of the mistake when Cuthbertson sent a follow-up letter on 18 August.

She referred to the information being sought as "statistics" and said it was both private personal information, which the information commissioner rejected, and too impersonal to be relevant to Cuthbertson's client.

Liz Bennett, counsel for Cuthbertson, said a "sophisticated litigant" like the department ought to be able to meet procedural requirements.

“Any other litigant, in my respectful submission, would not be given the indulgence of referring to and blaming a nameless third party for failing to take appropriate steps,” she said.

Bennett said the move to block the release of the information under section 33 of the Freedom of Information Act, which refers to international relations, was not substantiated.

Concern about the diplomatic impact of the information appears to coincide with Guardian Australia's publication on of the Nauru files, a collection of more than 2,000 documents that catalogued alleged abuse and mistreatment of asylum seekers in the island's Australian offshore processing centre.

On 26 August, the tribunal heard, two weeks after the Nauru files were published, the Nauruan government sent a letter requiring they be informed of information requests about the offshore processing.

“The Nauruan government ought to be given the opportunity to have something to say about what the consequences might be for itself and for the third party if the information was to be released,” Arduca said.

The tribunal's deputy president, Stephanie Forgie, hearing the case, reserved her decision.

<https://www.theguardian.com/australia-news/2016/nov/16/immigration-department-blames-nauru-freedom-of-information-delay-on-junior-officer>

32. Border Force spends \$18,000 on water bottles, pens for 'branding'

The Age
November 16 2016 - 11:19AM
Amy Remeikis

Branding, it seems, is important - even when it comes to "on-water matters".

So much so, that Border Force has spent \$18,000 on drink bottles, pens and fridge magnets as part of an "education and awareness raising campaign" for its community dob-in suspicious behaviour service Border Watch.

Authorised by the "intelligence division" the contract for the promotional material was awarded late last year and asked about during a February estimates hearing, but only recently answered.

The products, which included 5000 drink bottles for \$10,120, 5000 pens for \$4250.40, 5000 fridge magnets for \$1393.70 and 2000 rulers for \$2401.30, were created for distribution among its 1500 'industry partners'.

It's not the first time Border Force, the umbrella customs and immigration department Border Watch sits under has raised eyebrows for its marketing spend.

Last year the government spent \$10 million renaming its immigration bureaucracy as well as authorising \$15,000 on branded plush dog toys to hand out as corporate gifts, \$12,700 on branded notebooks and \$4.1 million on a telemovie highlighting the risks "and consequences of illegal migration by sea to Australia".

More than \$70 million over six years has been set aside for domestic and international advertising campaigns warning against attempting to reach Australia by boat.

<http://www.theage.com.au/federal-politics/political-news/border-force-spends-18000-on-water-bottles-pens-for-branding-20161115-gspl3g.html>