

Project SafeCom News and Updates

Sunday, 29 January 2017

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1. Phil Glendenning: In the time of fake news, we cannot be silent about the truth

Sydney Morning Herald
January 25 2017
Phil Glendenning

As Australian summer passes, half of us have headed to the beach, many watch the Tests and the men's and women's Big Bashes, followed by Roger Federer's beautiful arc of a forehand as he heads to grand slam No.18. And on the quiet news days, a former minister packs up an office littered with the ashes of travel receipts, while numerous politicians are found to have inappropriately claimed travel entitlements, including to attend the tennis and the cricket.

In a media environment where "fake news" is king, these stories of parliamentary rorting are easy to roll out, but beyond a few scalps they do little to improve the real accountability of our political leaders. True accountability is seemingly getting more difficult in this "post-truth" era of sound bites, social media and these "gotcha" moments.

However, the truth still matters. Facts still count, even when we are watching the cricket and the tennis. In a democratic society like ours, accountability matters. As Martin Luther King reminded the world many years ago about civil rights, "we begin to die the day we are silent about the things that matter".

You may have missed it, as it disappeared so promptly, but the Australian National Audit Office last week found the Department of Immigration and Border Protection had failed to appropriately authorise or report on \$2.3 billion worth of our money. That's \$2300 million – a lot of money by any standards. It matters.

Our independent national auditors found the government's management of the garrison support and welfare services at these offshore processing centres fell well short of good practice, with contracts established "in circumstances of great haste to give effect to government policy decisions".

As President Donald Trump's right-hand woman said on the first day of his presidency, we now live in a world of "alternative facts". What will this mean for actual facts, for accountability, for respect and trust in our institutions? It's difficult to say.

What too will it mean for the other areas in our lives and in our country that already remain contested despite the facts.

It is clear for instance that Indigenous Australians were the owners of our country. Yet we continue to deny them this basic right.

It is clear, too, that when Captain Arthur Phillip arrived to claim what would become "our" country on January 26, 1788, it was called New South Wales; what would become "Australia" was not a glimmer in his eye. Yet we continue to celebrate Australia Day on this anniversary. It must change.

It is no longer appropriate for a modern democratic nation to celebrate its national day on the anniversary of when conflict and dispossession began. And as evidenced by incarceration rates, deaths in custody, and the denial of basic rights for Aboriginal and Torres Strait Islanders, that conflict continues.

All of this goes to the basic issue of fairness, our sense of the "fair go". It is not fair that if you are born black in Australia you will live at least a decade less than the rest of us. It is not fair that at the same time pensioners and welfare recipients are being billed for false debts, essential social services to the most vulnerable are cut, some politicians rort their travel entitlements, whilst billions of dollars are found by the National Auditor to be unauthorised or improperly spent by the Immigration Department.

And it is not fair that our neighbours in Pacific countries like Kiribati and Tuvalu see the very existence of their nations' future threatened by climate change, whilst others removed from their daily reality debate whether the issue is real or not.

In a climate devoid of accountability, the most vulnerable in our world are the biggest victims. A lack of accountability means that the powerful say and potentially spend whatever is desired, and cause harm to entire population groups, who will remain without recourse. It is made worse by the spread of alternative facts that seek to trump the truth.

It is very easy in times like this to turn cynical. To do so, however, would be a mistake, for I have long held that cynicism is simply an elegant form of surrender. These are not days to surrender. These are days to be vigilant, mobilise, engage and take action.

As we witnessed last weekend in a movement across the world, millions mobilised in support of the rights of women and to protest the misogyny and abuses of Donald Trump. Transforming that moment into a sustainable movement will be a challenge, but it will be essential if we are to stay true to Martin Luther King's civil rights call to find our voice about the things that matter. We cannot afford to be silent.

In Australia, the consequences of this culture vacuum of accountability are clear: four deaths in offshore detention, including one unresolved murder, thousands of asylum seekers suffering from physical, psychological and sexual harm, 30,000 left in limbo, and many left without adequate social, legal and community support.

For our first peoples, incarceration rates, now higher than they were 25 years ago, ultimately represent the canary in the coal mine for all of us who live in this nation. This is the unfinished business of our history. Perhaps we treat the last to arrive, those on Nauru and Manus, so cruelly because we have not justly dealt with the original and continuing dispossession of Aboriginal people.

I remain proud to be an Australian, and I am proud to accept recognition on behalf of the work of so many on these issues for so long, but we must also recognise that this work is not finished. The new world we are entering is testament to the fact that we are not done. We must commit to working together to overthrow injustice, strive for rights of the most vulnerable and keeping our leaders accountable to the facts. These are the things that matter, about which we must never be silent.

Phil Glendenning is president of the Refugee Council of Australia, director of the Edmund Rice Centre and a 2017 recipient of an Order of Australia.

<http://www.smh.com.au/comment/in-the-time-of-fake-news-we-cannot-be-silent-about-the-truth-20170125-gtygsl.html>

2. US could face human rights crisis after Trump's xenophobic immigration orders

Hidden among the promise of a wall and the withdrawal of funding to sanctuary cities is a much more insidious – and immediate – move to replace the ‘catch and release’ border policy with mandatory detention

The Guardian
Oliver Laughland in New York
Friday 27 January 2017 06.57 AEDT

Donald Trump is now effectively at war with undocumented migrants inside the US and those who attempt to cross the southern border without paperwork.

Advisers and analysts alike have long suggested that Trump ought to be taken “seriously but not literally”, but Wednesday’s two executive orders on immigration show that he is living up to the blustering rhetoric of the 2016 election trail.

It was a promise he made throughout an election campaign characterised by xenophobia, and one he has now underlined with a few flicks of the presidential pen.

Attention focused upon Trump’s banner promise to erect a wall across an additional 1,200 miles of the US southern border – an order that will undoubtedly meet with stiff opposition when Congress is lobbied into funding the multibillion-dollar construction project that has, by Trump’s homeland security secretary nominee’s own admission, limited effectiveness in deterring entry. There was also coverage of the aggressive declaration of intent to withdraw some funding to hundreds of sanctuary cities – those jurisdictions which offer protection to undocumented migrants – which will probably meet with vigorous legal opposition. However, Wednesday’s orders went further and carried instantaneous repercussions through dramatic immigration policy reversals that have been somewhat overlooked in the flurry of executive action.

The US will now mandatorily detain any migrant that is caught crossing the border without documentation. Doing away with the era of so-called catch and release that allowed immigration authorities greater freedom to release those claiming asylum ahead of proceedings in immigration court, the order paves the way for a huge expansion of detention facilities at the southern border and is likely to have devastating humanitarian effects.

Nearly 60,000 unaccompanied minors and close to 80,000 families were apprehended at the border in 2016, the vast majority of whom came from countries in Central America plagued by violence.

Now these groups of migrants, who received a degree of flexibility under the Obama administration, will be kept in detention by order.

Advocates routinely report substandard medical care and poorly managed basic facilities in these centres, many of which are operated by for-profit security companies. Coupled with this, the order instructs the US justice department to assign immigration judges, who are already in short supply and heavily overburdened, to these centres.

This in effect makes it far more difficult for these vulnerable migrants, many of whom are likely to have claims for asylum, to reach independent legal counsel and will mean many more are likely to face deportation – perhaps in violation of America’s legal obligations under the UN Refugee Convention.

Trump’s orders also implement aggressive enforcement action inside the country, away from America’s borders.

The president repeatedly claimed throughout the transition period he would deport between 2 million and 3 million undocumented migrants in the country who he claimed were serious criminals. That notion itself is a fallacy, as there are nowhere near that number of undocumented migrants with felony records in the US (researchers estimate the number is closer to 300,000).

Indeed, elements of Trump's second immigration order acknowledge that fantasy by essentially broadening the definition of serious criminality, giving Immigration and Customs Enforcement (ICE) agents a vast remit to target almost anyone within undocumented communities and perhaps even those holding visas as the order simply targets "removable aliens" – a broad, catchall term that could encompass non-citizens as well.

Not only will ICE agents be allowed to target immigrants with any sort of criminal conviction on their record whatsoever, from minor misdemeanours such as trespassing or vandalism to serious felonies, they will also be able to apprehend individuals who have simply been accused of crimes and subject to investigation.

But the order goes broader even than that, allowing ICE officers the ability to target people they assess to be a "risk to public safety or national security". The order offers no guidance at all on how such a broad definition could be applied, leaving it to the "judgment" of individual ICE agents.

Since 2014, the Obama administration had heavily cut back on deportations occurring within the interior of the country, implementing a program of "priority enforcement" that instructed ICE to focus on undocumented migrants picked up by local law enforcement and found to have serious felony convictions on their records.

That short-lived era of discretion is now over. As Trump pledges to significantly bolster the ranks of ICE agents and border patrol officers, he will effectively control a small army of enforcers empowered by a remit that is both harsh and broad.

<https://www.theguardian.com/us-news/2017/jan/26/trump-immigration-border-detention-migrants-catch-release>

3. Cecillia Wang: Trump banned refugees on Holocaust Remembrance Day. That says everything

Trump's order is a slap in the face to the millions of Americans who uphold our best traditions of welcoming the stranger seeking refuge

The Guardian
Sunday 29 January 2017 05.05 AEDT
Cecillia Wang

In 1939, the German oceanliner St Louis and its 937 passengers, almost all Jewish refugees, were turned away from the port of Miami and sent back to Europe. Of those passengers, 254 were murdered in the Holocaust. The US government turned away those refugees, so heartbreakingly close to safety – and also restricted Jewish immigration and instituted new vetting procedures – because of rampant overblown fears that the Nazis might smuggle spies and saboteurs in among the Jewish refugees.

On Friday, which was Holocaust Remembrance Day, The White House put out a statement that failed to mention the 6 million Jews who were exterminated by the Nazis. Hours later, President Trump signed an executive order suspending all refugee resettlement for 120 days and indefinitely suspending the resettlement of refugees from Syria.

In addition to banning Syrian refugees, the president ordered a ban on all entries of the nationals of seven majority-Muslim countries: Iraq, Syria, Iran, Sudan, Libya, Somalia and Yemen, for 90 days, and provided that the ban might be extended and that additional countries might be added to that list.

Trump's executive order on Friday is a major step toward carrying out his campaign threat to ban the admission of Muslims into the United States. Tellingly, Friday's order authorizes the US Secretary of Homeland Security to admit refugees on a "case-by-case" basis, notwithstanding the 120-day suspension, for people of a minority religion in their home countries.

Trump announced during his press conference that his order will help Christians to enter the United States. In effect, Trump has barred Muslims from entering the United States, while favoring the entry of Christians. One of the tenets upon which our country was founded is that religion is our own business and not the government's.

We have freedom of belief. We do not have religious litmus tests for participation in society. Trump's order is anathema to those founding principles. It violates the First Amendment's Establishment Clause, which prohibits the government from preferring or disfavoring any religion. Trump's anti-Muslim policy also violates the Equal Protection Clause, the part of the Fourteenth Amendment that guarantees that everyone is entitled to equal protection under the law.

Trump's orders are immoral as well as unconstitutional. He is barring the entry of modern-day counterparts of the passengers of the St Louis – children injured in Syria's terrible and brutal civil war, who are at imminent risk of being killed. And Trump's order is a slap in the face to the millions of Americans who uphold our best traditions of welcoming the stranger seeking refuge.

Trump's policy is also foolish. Former senior US military commanders, diplomats, and homeland security officials, both Democrats and Republicans, have publicly stated that a block on refugees from Syria and other Muslim countries is contrary

to US security interests because it feeds the Isis narrative that there is a war between Islam and the West and that Muslims are not welcome in the United States.

Moreover, as demonstrated in ACLU litigation last year, only the most vulnerable Syrian refugees are resettled in the United States and that only occurs after vigorous security screening by the National Counterterrorism Center, the FBI, the Defense Department, the State Department and US Customs and Border Protection.

Among those who may be barred from entering the United States is Hamed Khalid Darweesh, an Iraqi man who worked as an interpreter for the US Army's 101st Airborne Division. According to Brandon Friedman, a former Obama administration official who commanded a platoon during the invasion of Iraq, the Iraqi man "spent years keeping US soldiers alive in combat in Iraq." He arrived at New York's JFK airport on Friday evening and was detained.

The ACLU along with the International Refugee Assistance Project, the National Immigration Law center and Yale Law School's Jerome N Frank Legal Services Organization, as well as the firm Kilpatrick Townsend & Stockton, filed suit early this morning.

We are a diverse society, built largely on the sweat and ingenuity of immigrants and refugees. American Muslims, immigrants and US-born alike, are part of the fabric of this nation and part of what makes America great. As US businesses, investors, and universities have pointed out, American Muslims are our neighbors, friends and colleagues. They are us. Trump's ban separates American families and deprives our country of the contributions that these newcomers, and their children and grandchildren, will make as Americans.

Nearly 80 years ago, US government officials, backed by the deliberately stoked fears of refugees, turned refugees away at our shores and sent men, women and children back to their deaths.

Today, Americans look back in shame at that moral, political and legal failure – even as our president repeats the mistakes of the past. We are better than today's executive order, and we must rise up and insist that America live up to our best ideals and not our worst fears.

<https://www.theguardian.com/commentisfree/2017/jan/28/donald-trump-ban-refugees-holocaust-remembrance-day>

4. Jenna Price: The ministers leading the war on the poor

Canberra Times
January 16 2017
Jenna Price

Cornered. The federal government has cornered our most vulnerable people.

The cascade of harm from the Centrelink automated debt notifications debacle now includes providing too little legal help for those who need it most. And the little offered them now will disappear in July.

Lined up against the disenfranchised are all the agents of the Department of Human Services, led by Minister for Human Services Alan Tudge, combined with all the outcomes of all the funding decisions made by Attorney-General George Brandis.

And there, cornered, are the women and men of Australia who are victims of both. Those people, on disability pensions, on unemployment benefits, on youth allowance. These automated debt notifications, of which at least a quarter appear to be false, don't discriminate – but the federal government does.

It has carriage of a system which it knows is faulty. But it is also refusing to fund appropriately the very legal services which help those hounded by debt collectors. Community legal centres, welfare rights centres, all of these are already on the financial edge.

Briefly, when the Abbott government was first elected, Brandis removed what was called the Dreyfus money – funding provided by the previous Attorney-General Mark Dreyfus, for these centres. And it's not some strange progressive fantasy to fund these centres – in 2014 the Productivity Commission recommended an extra \$200 million for legal assistance.

What do these community legal centres do? They provide legal assistance for those who can't afford to pay for it. They advocate for the powerless – and they do extraordinary work in the domestic violence sector. A striking campaign by former Australian of the Year Rosie Batty oversaw a brief respite for the CLCs.

And that was when, briefly, domestic violence was "in fashion" with this government. I doubt strongly that this government will ever consider the needs of welfare recipients because they are a group of people never central to the concerns of a conservative government except to demonise them. They are, in the words of a former treasurer, "leaners". To paraphrase the unmourned Joe Hockey – No-hopers. Bludgers.

From this July, nearly a third of the funding for these services will disappear. There can only be suppositions as to why Brandis is continuing his slash-and-burn. But one thesis is that his ideological position opposes advocacy of any sort – and

certainly advocacy funded by the state. But who will advocate for the unemployed or for those who have a disability? They have no jobs queen, no mining magnate, no oil czar to stand up for them, to lobby on their behalf.

Halfway through 2015, the National Association of Community Legal Centres (NACLC) ran a census of its member organisations. More than 150,000 people were turned away in that year because the CLCs didn't have the capacity to deal with demand.

Dan Stubbs, of NACLC, says it's frustrating that yet another arm of the Commonwealth government is making the "turnaway problem" even worse.

"We will be turning away more people from July and right now we have very stretched welfare rights centres," he says.

Already this year, welfare rights centres, specialists in dealing with social security and part of the community legal centre network, have been flooded with people needing desperate help.

Dan Nicholson, executive director of Civil Justice, Access and Equity, at Victoria Legal Aid, says demand has soared.

"We had more demand in the seven working days of this year than in all of January last year so we are on track for triple our usual demand. That's overwhelmingly because of automated debt notices," he says.

And the situation is dreadful in NSW as well. Polly Porteous, of NSW Community Legal Centres, says its members are already experiencing a spike in demand.

"This is likely just the tip of the iceberg – we are expecting an increase in demand as people move through the Centrelink appeal process."

Gerard Thomas, of the NSW Welfare Rights Centre, also says services are stretched.

"[Claimed] overpayments have always been a core area of our work at the Welfare Rights Centre, but we are seeing an unprecedented number of people calling us about debts. Our phones are ringing off the hook."

Last week the service received a call from a Centrelink client undergoing chemotherapy and radiotherapy for advanced melanoma – all the while trying to gather payslips to challenge the decision.

"This automated debt system is having a terrible impact on some very vulnerable people and we urge the government to suspend the system."

Here is the horror and the sheer pettiness of this government.

Thomas says: "As a result of funding cuts we can only operate three advice shifts a week, for 3½ hours each. We are extremely concerned about the impact of the Commonwealth's 30 per cent funding cut to the community legal sector.

"In NSW the funding cut is \$2.9 million, a tiny amount from a Commonwealth perspective but it can make a real difference to people's lives."

But these aren't the lives of people this government cares about.

The victims of Centrelink aren't famous. They don't have status or cultural capital. They don't go to racing days. They don't travel on yachts. They aren't the partners of ministers. They don't get to accompany their partners to luxury resorts for a little break from the hardships of life. They haven't sought or bought influence. They have nothing and they will now face dealing with complex legal issues on their own.

Even Matthew Butt, a lawyer and now the executive officer of the National Social Security Rights Network, says he has spent hours trying to unravel the complexities of the system; and it is a core part of his work.

"This kind of conversation takes longer, we need to spend more time with people . . . it requires a high level of service," says Butt.

And that time, that service, that ability to help those in need, will wither away come July.

<http://www.canberratimes.com.au/comment/the-ministers-leading-the-war-on-the-poor-20170116-gts9xa.html>

5. Racial Discrimination Act works well, says Human Rights Commission

However, it wants to conduct a free speech inquiry looking into media and internet regulation and defamation

The Guardian
Katharine Murphy Political editor
Wednesday 21 December 2016 13.14 AEDT

The Australian Human Rights Commission says the Racial Discrimination Act strikes an appropriate balance between freedom of speech and freedom from racial vilification and has challenged the government to allow a deeper dive into other restrictions used by powerful people to curb speech, such as defamation and media regulation.

The commission has used a new parliamentary inquiry into freedom of expression – an inquiry triggered by rolling political controversy about 18C of the RDA – to ask the government for a formal reference to conduct its own free speech inquiry, examining media and internet regulation, intellectual property and defamation laws.

Its president, Gillian Triggs, has faced months of trenchant attacks from senior government figures who contend that 18C represents an unreasonable curb on free speech. MPs, including the prime minister, Malcolm Turnbull, have also criticised the commission's handling of race discrimination complaints.

In early November Triggs signalled she was open to overhauling the RDA, including replacing the terms “offend” and “insult” with “vilify”. A few days later the commission's race discrimination commissioner, Tim Soutphommasane, put himself at odds with Triggs, saying there was “no case” to change section 18C.

The commission's submission to the inquiry said the provision as interpreted by the courts did what it was supposed to do. It said part IIA of the act “as it has been interpreted by the courts strikes an appropriate balance between freedom of speech and freedom from racial vilification”.

It also emphasised that only a very small number of 18C complaints progressed to the courts. On average, each year over the past five years fewer than four had gone to court.

But the commission acknowledged the government might move to amend the legislation. It said it had not been asked to examine any government bill and “nor has this committee been tasked with considering any specific amendments to the RDA”.

“If that situation were to change, the commission would comment on any proposed amendments,” it said. “Any proposal to amend the RDA should involve extensive public consultation as it has the capacity to affect the human rights of all Australians. In particular, there should be consultation with those communities whose members are most vulnerable to experiencing racial discrimination.”

Although the Turnbull government has repeatedly criticised the commission's processes on 18C complaints, it has also ignored its appeals to amend the legislation.

The commission has used the submission to resume its calls for amendments to its procedures that would allow it to terminate vexatious complaints earlier.

The submission asked for statutory improvements to the Australian Human Rights Commission Act, including:

- Raising the threshold for lodging a complaint with the commission, requiring the person lodging the complaint to allege an act which, if true, could constitute unlawful discrimination;
- Requiring that the written complaint to the commission set out details of the alleged unlawful discrimination which are reasonably sufficient to indicate an alleged contravention of the relevant legislation;
- A new process requiring that if the president terminates a complaint on any grounds set out in the legislation – including that the complaint is trivial, vexatious, misconceived or lacking in substance – then an application cannot be made to the federal court or the federal circuit court unless that court grants leave.

It also wanted the government to restore its \$3m budget cuts.

The parliamentary inquiry is examining whether sections 18C and 18D imposed unreasonable restrictions on free speech, and whether the complaints-handling procedures of the commission should be reformed.

The hedged terms of reference follow a fault line within the government. A number of MPs, including the Sydney Liberals Julian Leeser and Jason Falinski, and the Victorian Liberal MP Russell Broadbent, have argued that complaints about the commission and 18C can be fixed with a procedural change, not a rewrite of a legal provision.

But a number of other government MPs, including the large group of Coalition senators who signed on to the Liberal senator Cory Bernardi's private member's bill earlier in the year, believed the words "insult" and "offend" should be removed from 18C.

Section 18C says it is unlawful for a person to do an act in public which is "reasonably likely, in all the circumstances to offend, insult, humiliate or intimidate" another person or a group of people. Section 18D makes exceptions for artistic works, discussions, debates, event reports in the public interest and fair comment if it was in "expression of a genuine belief" held by the person making the comment.

The Liberal senator Dean Smith, who is on the parliamentary human rights committee, had lobbied for a more broad-ranging parliamentary inquiry into curbs on free speech, not just the 18C and 18D restrictions.

The terms of reference refer to a wide-ranging report from the Australian Law Reform Commission released this year which examined the encroachment of commonwealth laws on free speech.

The terms of reference point to chapter four of the ALRC inquiry, which canvassed freedom of public discussion and conscience, academic and artistic freedom, freedom of religious worship and freedom of the press.

But the Human Rights Commission wanted its own reference to undertake an independent inquiry into curbs on speech.

"For many years, the commission has been active in promoting freedom of speech including by making submissions about proposed laws that may infringe freedom of speech, intervening as amicus curiae in court proceedings that raise freedom of speech issues, and convening public forums to discuss a range of areas including media and internet regulation, intellectual property and defamation laws," the submission said.

"The current human rights commissioner [Edward Santow] has announced that he plans to address these free speech issues in his term as commissioner.

"The commission would welcome a reference from the government to report on these issues in more detail."

<https://www.theguardian.com/world/2016/dec/21/racial-discrimination-act-works-well-says-human-rights-commission>

6. Submissions on 18C cite laws that pose 'greater risk' to free speech

Groups say secrecy provisions on border protection and other rules governing intelligence leaks need to be changed

The Guardian
Paul Karp
Saturday 21 January 2017 08.23 AEDT

Amnesty International, academics and the journalists' union have warned that laws restricting information about national security and immigration detention are a greater threat to freedom than race speech laws.

The groups have called for reform of the laws and greater substantive protection of freedom of speech in submissions to the Senate inquiry into section 18C of the Racial Discrimination Act.

The inquiry received more than 150 submissions, and many groups representing ethnic communities warned against repeal of the section that prohibits speech that offends, insults, humiliates or intimidates people based on race.

George Williams, a constitutional law academic at the University of New South Wales, made a submission saying the wording of 18C was "overbroad" and proposed "a more demanding standard such as to degrade, intimidate or incite hatred or contempt".

But he warned that a focus on 18C neglected "a much larger problem" of a multitude of laws that "represent a more serious infringement of freedom of speech".

Williams cited section 35P of the Australian Security Intelligence Organisation Act, which he said allowed journalists "to be jailed for publishing material revealing misconduct by government agencies" or the fact someone had been detained by Asio.

The criminal code also allows the attorney general to ban and label an organisation a terrorist group merely for "praise" of a terrorist group where that might lead another person to engage in a terrorist act.

Amnesty International submitted that section 18C did not require amendment, and it was one of many submissions to note that defences were provided in section 18D that protected freedom of speech for statements made reasonably, in good faith and in the public interest.

The inquiry should focus on other laws that "create serious freedom of speech concerns", it said.

Amnesty International said the Asio Act should be amended to introduce a public-interest defence for disclosing information to the public about special intelligence operations.

It called for repeal of the secrecy provision of the Border Force Act, which makes it an offence punishable by two years in prison for immigration and border protection workers to release information without authorisation.

Amnesty said the data retention law should be changed to require a law enforcement agency to obtain a warrant before accessing a person's metadata.

It called for an independent review of national security laws, including the offence of "advocating terrorism", and the general secrecy offences in sections 70 and 79 of the Crimes Act, which effectively criminalise public-sector leaks.

The Law Council of Australia said it had not arrived at a "settled position" on 18C but argued that the ban on organisations "advocating terrorism" should be repealed.

It said secrecy provisions in the Crimes Act and the Border Force Act should require that disclosure of commonwealth information did, or was reasonably likely to, or intended to cause harm to an identified essential public interest.

The council said the government should consider expanding the class of people who could blow the whistle on conditions in immigration detention to all immigration workers.

The Media, Entertainment and Arts Alliance, which represents journalists, warned of "significant threats to free speech" and described the terms of reference of the inquiry as "too narrow".

It highlighted "the use of defamation, contempt of court, and suppression orders to intimidate or muzzle legitimate reporting of matters in the public interest" and the risk of 10 years' imprisonment for journalists who breached the secrecy provision of the Asio Act.

Many organisations supported retaining 18C on the basis it struck the right balance between freedom of expression and freedom from discrimination.

These included the Victorian government, the Refugee Council, the Executive Council of Australian Jewry, Reconciliation Australia, the Australian Lawyers' Alliance, the Arab Council of Australia, and the Federation of Ethnic Communities Councils of Australia.

Relatively fewer organisations supported the wholesale repeal of 18C. These included the Institute of Public Affairs and the Australian Young Liberals.

The Australian Human Rights Commission, which administers section 18C including investigating and conciliating complaints, backed calls for a more comprehensive inquiry into other freedom of speech issues.

The AHRC submission was silent on how 18C itself might be reformed. The race discrimination commissioner, Tim Soutphommasane, has said there is "no case" to change 18C, in contrast to its president, Gillian Triggs, who has indicated she is open to reform, including replacing the terms "offend" and "insult" with "vilify".

Organisations that backed that compromise position included Monash University's Castan Centre for Human Rights Law, MEAA, and the Australian Industry Group.

The AHRC rejected the suggestion in the inquiry's terms of reference that it had "called for or solicited complaints" in relation to a Bill Leak cartoon, saying it was fulfilling its statutory function of informing people of their right to complain.

It backed procedural changes, including requiring a complainant to state and detail a fact that, if proved, could constitute unlawful discrimination, and preventing them from pursuing a complaint in court if the president terminated it for lacking substance.

Williams advocated a "more holistic response", including a general protection of the right of freedom of speech in the law, such as a bill or charter of rights.

Amnesty International called for a human rights act as the best way to achieve freedom of expression and balance it against other rights.

<https://www.theguardian.com/world/2017/jan/21/submissions-on-18c-cite-laws-that-pose-greater-risk-to-free-speech>

7. Rafeif Ismail says the Pauline Hanson effect 'gives people permission to be evil'

PerthNow
by Belle Taylor
January 22, 2017 12:05am

A 22-year-old Muslim woman who moved to Australia as a refugee, has written an open letter to Pauline Hanson, saying the politician's rhetoric makes her feel unsafe to leave her home.

Rafeif Ismail, who was born in Sudan but arrived in Australia with her family when she was eight, is the Green's candidate for Mirrabooka in the coming state election.

She was prompted to write the letter after seeing the affect Ms Hanson's rise to prominence was having on the immigrant community in her neighbourhood.

"My friends are worried to get on public transport because they wear a hijab, members of the community are terrified to send their children to school because they don't know if they're going to make it," Ms Ismail said.

"What kind of world do we live in when our elected representatives can perpetuate such hate? Such violence?"

"They give people permission to be evil. They give people permission to let out their darkest, most dangerous, thoughts on some of the most wonderful members of our community. That's the effect of Pauline Hanson, that's the effect of One Nation.

Ms Ismail said Ms Hanson's rhetoric, including her call to end Muslim immigration alienates young Muslim's already living in Australia.

She recalled her first experience of voting, being thrilled to take part in the democratic process, but feeling taken aback upon leaving the polling booth to be confronted with anti-immigration posters.

"I had never felt so alienated in this country," Ms Ismail said. "I felt so othered and I was 18, what about the younger kids? All they've known is Australia and they are being told, 'this is not your country, your friends are not really your friends, your school is not really your school, nothing really here belongs to you.'"

FULL STORY AT <http://www.perthnow.com.au/news/western-australia/rafeif-ismail-says-the-pauline-hanson-effect-gives-people-permission-to-be-evil/news-story/683d9dd241e2bade94f86851f26fa2fd>

8. The father and son walking from Adelaide to Canberra to protest offshore refugee detention

Sydney Morning Herald
January 27 2017 - 2:10PM
Megan Doherty

Instead of wringing their hands about the plight of refugees, an Adelaide father and son have decided to take action and walk almost 1200km to Canberra to take their concerns directly to the Prime Minister.

Criminal lawyer Adam Richards and his 13-year-old son Ned left Adelaide on December 28 and, on Thursday, were just east of Wagga Wagga, en route for their planned arrival in Canberra on February, 3.

The next day, February 4, they will attend a rally at Parliament House to present a petition urging the Federal Government to end "mandatory indefinite offshore detention of refugees" and to instead bring them to Australia for their claims to be processed.

One of the speakers at the Canberra rally will be former Labor MLA John Hargreaves.

Mr Richards said the Manus and Nauru detention centres were a national disgrace and needed to be closed. He had no illusions he would get "within cooee" of Prime Minister Malcolm Turnbull but wanted the petition presented anyway.

"We're not saying, 'Let in droves of refugees' but we are saying treat people humanely and give them a fair go," he said.

The idea for the walk to Canberra started when then 12-year-old Ned became curious about news reports last year of two refugees setting themselves alight on Nauru, one of them subsequently dying.

"Ned asked me if it would hurt to set yourself on fire and what would it feel like," Mr Richards said.

"I said, 'Ned, it would be like having cuts all over your body and your skin peeling off'.

"At which point, my 12-year-old boy put his hands over his ears and said, 'Stop!'"

Ned wanted to know what could be done to prevent any similar tragedies. His dad told him nothing and was "about to offer him a whole lot of platitudes" but then realised that wasn't the answer.

"I thought, 'You're full of shit. You're his dad. You should be able to do something'. It hit me like a tonne of bricks," Mr Richards said.

"I've always taught him as a man, you protect women and children and stand up for what is right and I thought, 'There's no way I can teach my son that if I don't do it myself'."

Mr Richards' first line of action was to make what turned out to be an "inglorious" run for the Senate.

"I think I got 300 votes. I only needed 80,000 more," he said.

And next came the idea of walking to Canberra. Mr Richards said the fact the government threatened jail time for any staff who spoke out about conditions on the detention centres was proof enough for him that things were awry.

"If these camps were the holiday camps they said they were, they would never have enforced that section [of the act]. The government knows what's going on. It's a national disgrace and it needs to stop," he said.

"It's very important for me personally. I'm a very, very proud Australian. I love my country but I feel my pride in my country is under threat.

"I can either do nothing and whinge about it or I can do something about it. I want my pride back."

Young Ned, who was reading Peter FitzSimons' Kokoda in between the walking, was a more than willing participant in the journey, which is averaging about 33km a day.

"I'm immensely proud of him, I think he's amazing," Mr Richards said.

"He's never, ever pushed. He can rest when he wants and sit out when he wants. He's an exceptionally resilient young man."

Ned said on Thursday he was feeling "sore but good".

"I just wanted to do it. If it takes a 13-year-old and a 56-year-old to stand up for refugees, then we've got to do it," he said.

The cricket-mad Year Eight student had been given the option of flying back to Adelaide to play in his last cricket match of the season, but declined, preferring to stay on the walk with his dad.

"It was my grandpa who said I should keep going. I always like to finish things I've started," he said.

Ned said there had been mixed reactions on the road to their message and also from his own friends.

"Some have been good; some haven't. One didn't think I would make 15km. Well, we've done nearly 1000km now. I haven't texted him back and I don't think I will."

*Adam and Ned Richards plan to meet supporters at The Mint oval in Deakin at noon on Saturday, February 4 and then walk to Parliament House. You can follow their journey on Facebook.

<http://www.smh.com.au/act-news/the-father-and-son-walking-from-adelaide-to-canberra-to-protest-offshore-refugee-detention-20170127-gtzs9g.html>

9. Reading the Nauru files: the people who took the story to the streets

The Guardian's publication of more than 2,000 incident reports from inside Australia's immigration detention regime inspired a powerful series of protests. Helen Davidson talks to campaigners who took part

The Guardian
Helen Davidson
Thursday 29 December 2016 17.20 AEDT

This year the Guardian published the Nauru files, an exposé of abuse, mistreatment and widespread trauma among refugees and asylum seekers in the Australian-run offshore immigration centre. Through more than 2,100 leaked incident reports, the public gained the largest insight yet into the mix of desperation and banality in these lives in limbo.

The files, written by guards, caseworkers and teachers who worked on the Pacific island nation, contained reports of mental trauma, self-harm, sexual assaults, child abuse, hunger strikes, assaults and injuries. While Australia's Coalition government

largely dismissed the concerns raised, the series of reports prompted international condemnation and rebuke, including from the United Nations, and sparked a parliamentary inquiry.

Among grassroots groups it inspired an unusual form of protest, as activists and others read the files aloud in London and several Australian cities, including Brisbane, Adelaide, Melbourne, Perth, Sydney, Newcastle, Hobart and Canberra. The protests, organised independently of the Guardian, took on their own life as groups from across advocacy, activism and organised religion congregated outside shopping hubs and immigration department offices.

“We were all very distraught at the Nauru files, even though I think we were all aware that terrible things were happening,” says Sarah Keenan, a member of the International Alliance Against Mandatory Detention and a main organiser of the London event.

“Just taking the time to read through the incident reports day by day and seeing how things build up. I think those of us who read them were very emotionally affected by it, so we wanted to do something publicly that was a bit confrontational to the Australian embassy but was also peaceful.”

For 10 hours at the gate of the Australian high commission in London, protesters read from beginning to end each of the redacted Nauru files reports. “It was a very exhausting day,” says Keenan.

The group passed out flyers informing spectators that the performance sought to highlight the contradiction between the “narrative of abuse” revealed in the files and Australia’s image as “a progressive nation and a desirable destination for tourists, students, highly skilled workers and international investors”.

“The duration, monotony and repetition entailed in the reading of each file echoes the normalisation of the violence and tedium endured by refugees in indefinite detention,” it read.

Keenan says the response was mixed but largely supportive, with many passersby stopping to listen.

“The only negative response I think we got was from a couple of Australians who were exiting Australia House. One guy really didn’t like it,” she recalls. “He just said something to the effect of, ‘It’s a policy that works and we have to stop the boats,’ and he dropped the flyer.”

Keenan is unsurprised to hear there was more negative reaction in Australia, where a coalition of activist groups inspired by the UK efforts held their own readings in capital cities.

Matt Anslow, an organiser for Christian refugee advocacy group Love Makes a Way, says thousands of people witnessed the Sydney reading but the reactions varied.

“We had some people walk past and shouting abuse, ‘Send them all back’ – that sort of thing,” he says. “Usually it wasn’t exactly what you’d call coherent. I think some people responded out of anger and occasionally said things which weren’t exactly rational. But that was expected.”

Some people were “amused” but others stopped and listened, Anslow says.

“One woman sat there for 90 minutes and she wept. She told us she didn’t know anything about the issue and she didn’t know any of it.”

Both Keenan and Anslow say they were most affected reading the more than 50% of reports which related to children, and about people wanting to die.

“I talk about the trauma of having read them but that’s nothing compared to the trauma of having lived it,” says Anslow. “I can’t even comprehend what kind of damage we do for someone to get to that point.”

Anslow says he wanted the confronting distress of the reports to be just as unavoidable for those walking past. “What we wanted to do was provide a public platform right in the middle of Sydney and other cities where people would have to be confronted by those files by hearing them,” he explains.

“Even if they were just walking past and even if they didn’t care, they had to hear them in some way.”

It’s this quality which perhaps led the novelist Richard Flanagan, the Man Booker prize winner, to describe the files as “an extraordinary trove of anonymous short stories” in his keynote speech at the Melbourne writers’ festival.

“I suspect they will continue to be read in coming decades and even centuries when the works of myself and my colleagues are long forgotten,” Flanagan said.

“And when people read these stories – so admirable in their brevity, so controlled in their emotion, so artful in their artlessness; their use, for example, of the term NAME REDACTED instead of a character’s actual name to better show what is happening to a stranger is not an individual act, but a universal crime.”

After the publication of the Nauru files, the Australian government launched an internal review of the incident reports, despite being in possession of the originals.

The review confirmed what had already been reported by the Guardian: 19 cases of violence or sexual abuse – including eight cases involving children – had been referred to Nauruan police, but with no prosecutions.

The Nauruan government has made legislative changes to strengthen its child protection laws and system but there have been few prosecutions since and no convictions.

The detention centre on Nauru is no longer a closed centre, with those who still live inside it (as opposed to the community dwellings outside) relatively free to come and go. But reports of hostility from local Nauruans, as well as violent attacks by locals and other refugees continue, as do claims and evidence of mental and physical ailments. No refugee from the centre can settle in Nauru. The government has offered only short residency visas.

Calls for Australia to resettle people on the mainland continue, but both the government and opposition are resolute that doing so would encourage people smugglers to restart their business.

Many refugee families are now seeking resettlement in the US under a newly announced deal with the Australian government. The deal is far from set in stone – details are scant and there is speculation that the incoming president, Donald Trump, may reverse the agreement made with the Obama administration.

It is still not clear if the deal applies to the single male refugees held on Manus Island in Papua New Guinea, where the supreme court this year ruled Australia's detention centre unconstitutional.

Australia's hardline immigration policies remain in place, with the government throwing everything at the wall in the face of mounting international disgust and an apparent decline in local public support. Fewer Australians are against immigration than in years past, and more are pushing the government to find a solution to the offshore detention crisis. In the meantime, people on Nauru wait and hope.

<https://www.theguardian.com/australia-news/2016/dec/29/reading-the-nauru-files-the-people-who-took-the-story-to-the-streets>

10. Meet the Messenger of Manus, one man trapped in Australia's offshore processing regime

New 10-part podcast tells the story in his own words of Abdul Aziz Muhamat, a refugee waiting for his future to begin

The Guardian
Ben Doherty
Tuesday 24 January 2017 06.09 AEDT

FULL STORY AT <https://www.theguardian.com/australia-news/2017/jan/24/meet-the-messenger-of-manus-one-man-trapped-in-australias-offshore-processing-regime>

11. Manus Island asylum seeker charged with rape

Rajeev Rajendran, originally from Sri Lanka, faces court in relation to alleged assault of 18-year-old woman at hotel

The Guardian
Ben Doherty and Helen Davidson
Tuesday 24 January 2017 11.13 AEDT

A 31-year-old asylum seeker held at the Manus Island detention centre has been charged with the alleged rape of a local woman.

Rajeev Rajendran, originally from Sri Lanka, was charged in Lorengau court over the alleged assault which took place at a hotel on 17 January.

The acting provincial police commander, Senior Inspector David Yapu, said the man had met the woman at Lorengau market before taking her to a local hotel, where she was allegedly assaulted.

It is alleged she was raped three times there before she was able to reach a relative's house. She was treated for injuries at Lorengau hospital.

"When she managed to escape she fainted on the riverside which is where she was rescued and taken to the hospital," Yapu told Guardian Australia.

The woman, described by Yapu as an 18-year-old who is still in school, and her parents reported the alleged attack to police.

Rajendran's case was adjourned in Lorengau court on Monday. He remains in police custody.

Allegations of sexual violence within the Manus Island detention centre have been raised on a number of occasions.

In July 2015 three expatriate guards were alleged to have drugged and gang-raped a local woman inside the detention centre staff accommodation block. They were flown off the island before police could speak to them. Despite promises from the Australian government that they would be sent back, the men have never returned to Manus.

Several refugees and asylum seekers held in the detention centre have registered formal complaints of sexual assault and rape.

<https://www.theguardian.com/australia-news/2017/jan/24/manus-island-asylum-seeker-charged-with>

12. Escape from Manus Island: Iranian seeks asylum in Fiji

Canberra Times

January 28 2017 - 8:36AM

Michael Gordon

A young Iranian refugee who was held on Manus Island for more than three years has fled to Fiji, where he is seeking asylum on the grounds he fears persecution if he goes back to Papua New Guinea.

"This is the end for me," said Loghman Sawari, whose time in PNG has been punctuated by beatings, bullying, imprisonment, illness, suicide attempts and living on the street in Lae, one of the country's most dangerous cities.

The 21-year-old Ahwazi Arab managed to board a plane under a false name after he said he was threatened by a PNG immigration official and lost hope of being resettled in the United States under President Donald Trump.

It is the first case where a refugee who sought asylum from Australia is claiming to be fleeing persecution by a country connected to the Coalition's deliberately harsh "stop the boats" policy.

Mr Sawari told Fairfax Media he had cobbled together the money for the airfare from several sources over several months.

Broke and destitute, he has been given refuge by a Fijian family and is planning to present himself to Fiji immigration officials on Monday to seek protection.

UNHCR officials are understood to be aware of his situation, which poses legal and diplomatic challenges for the countries involved. Fiji, PNG and Australia are all signatories to the refugee convention.

A warning that Mr Sawari could take extreme measures was included in a submission from trauma worker Janet Galbraith 10 weeks ago. The submission requested he be included in the proposed US resettlement deal because of his vulnerability.

"Hopelessness and living in constant fear is leading him to consider drastic action. I also believe that his mental health is declining and is at a point where he needs to be given the support and safety very soon," Ms Galbraith wrote to the UNHCR.

"I am very concerned for him. He is exhausted and I believe he is unable to continue. I also believe he will make some decisions that will see him either lose his life or at least end up more damaged."

Mr Sawari said he is terrified of being sent back to PNG. "If I go back they will make me crazy or they put me in the jail. I'm sure about that," he said by phone from Nadi.

"My problem is I cannot go back to Iran and I can't stay in PNG. I don't want to go to Australia. I just want to be free, just like human being. I would stay in Fiji. Here you can walk anytime - night, morning. You free here."

Ms Galbraith has just returned from three months in PNG and said Mr Sawari is more vulnerable than many others on Manus Island because his teenage years were filled with trauma and torture in Iran before his ordeal on Manus Island.

For the first few months of his detention in Papua New Guinea, Mr Sawari was an aberration: the boy in a detention centre that was supposed to be exclusively for men, a number of whom have wives and children in Australia.

He was 17 when he arrived on Manus Island in August 2013, one month after the then Labor government decided to remove children and family groups from the detention centre. A letter from Australian immigration officials told him he would be "treated as a minor for the purposes of accommodation, placement and other purposes". He remained in isolation until his 18th birthday, when he was told he would be staying.

He was one of the first refugees to be leave the detention centre on Manus Island after his claim for refugee status was accepted, but he suffered from depression and was taken to the local jail after attempting suicide soon after his release. Case notes dated January 2014 show that Mr Sawari was considered to be "high risk".

He lasted two months in PNG's second-biggest city, where he said he was terrified by an armed "raskol" and reduced to tears by bullying in the town before being befriended by a homeless youth.

After being refused permission to return to the transit centre, Mr Sawari fled on a boat and was protected by locals on a neighbouring island for some weeks before returning to Manus Island and being transferred to Port Moresby.

In Port Moresby, Ms Galbraith's report notes Mr Sawari continued to experience harassment, bullying and attacks. "He is extremely and obviously hyper-vigilant all the time. He seldom sleeps and often spends a week inside his unit as he is afraid to venture out."

Ms Galbraith said she had no warning of Mr Sawari's intentions, but had counselled him against previous escape plans, which included travelling by boat to the Solomon Islands.

"In PNG, many of the refugees are talking about doing this. He's just the first who has succeeded. It's not that others haven't tried."

He has also suffered from chronic dental problems, recurring infections in his ears, gums, throat and stomach since 2013 and bouts of fainting and dizziness.

His voice sounded excited and hopeful when he spoke to Fairfax Media soon after arriving in Fiji.

But the excitement had given way to anxiety, uncertainty and dread on Friday. "Today I'm not really OK because I'm thinking too much what will happen."

<http://www.canberratimes.com.au/federal-politics/political-news/manus-island-refugee-triggers-diplomatic-test-by-sneaking-on-plane-to-seek-asylum-in-fiji-20170127-gtzu0v.html>

13. Janet Galbraith: Fear deliberately spread on Manus Island

Crude stories about criminal asylum seekers and cannibal locals were used to foster division and suspicions on Manus Island, aiding Australia's agenda of obfuscation.

The Saturday Paper
Jan 28, 2017
Janet Galbraith

Many in Australia reiterate one story about Manus Island and Manusians. It is a crude story, developed to bring about segregation and fear between local people on Manus Island and those seeking asylum. This story speaks of Manusians in particular, and the people of Papua New Guinea in general, as inherently violent and dangerous. This story has been accepted by many in the Australian community, including many of those who advocate the freedom of refugees caught in this system of violence.

Sitting in a group made up of Manusians, and a man each from Kurdistan, Sudan and Myanmar, I listen as they discuss what they were told of each other by Australia's immigration officials. Aziz, a Sudanese man recognised as a refugee, tells me the only information his group was given, prior to being transported to Manus Island, was: "There are many deadly diseases and the local people are cannibals. They are dangerous. Do not go near them."

Aziz, along with some others who spoke English, asked questions about this information but none of these were answered. This was the beginning of three-and-a-half years of limited and incorrect information dealt out in order to create division.

Paru, a Manusian local, tells The Saturday Paper that before the first asylum seekers were forcibly transferred to the island, he and other Manusians were told by the Department of Immigration and Border Protection: "These people are dangerous criminals. They are different to the first lot you had here. They are terrorists. Don't go near them." Again, there was little opportunity for questions. As Manusian politician Ron Knight told me: "We were never consulted. It was a done deal and we on the island were not given any information or asked if we wanted this."

FULL STORY AT <https://www.thesaturdaypaper.com.au/news/immigration/2017/01/28/fear-deliberately-spread-manus-island/14855220004161>

14. Peter Dutton and Bill Shorten open door to deportation of child criminals

Immigration minister says government considering lowering age at which it could cancel visas to 16 or 17

The Guardian

Paul Karp

Thursday 19 January 2017 13.57 AEDT

Teenagers who commit crimes in Australia may have their visas cancelled under a reform being considered by the federal government that Bill Shorten has not ruled out supporting.

Immigration minister Peter Dutton told 3AW Radio in Melbourne that although it was “very difficult” to deport minors, the government was considering lowering the age at which it could cancel their visas to 16 or 17.

Asked about the plan, Shorten said Labor would “look at what he’s saying” and accepted the principle that non-citizens who commit serious crimes have “no place in Australia”.

Dutton also suggested the government will consider introducing character requirements to become an Australian citizen, questioning whether able-bodied people who had not worked while they were Australian residents should be allowed citizenship.

In the interview, Dutton described the government’s decision to cancel the visas of four young people over the age of 18 who are alleged to have had links to the Apex gang.

He warned the government had the power to deport non-citizens who “have been doing the wrong thing”, including “people who may have committed crimes or are members of gangs”.

“I think this should send a very clear message to these people that if they cherish the life that they lead here in Australia, they need to start respecting Australians,” he said. “They need to abide by the law and they need to adopt Australian values.”

Dutton agreed the deportation of the four alleged gang members “certainly is” the start of something more. He referred to a review by a parliamentary committee that is considering expanding the power to cancel visas in section 501 of the Migration Act.

Asked about adding the ability to deport children, Dutton said it was “very difficult” and “we don’t deport children” but added that the parliamentary committee was considering “whether for example the bar could be lowered from 18 to 17 or 16 or whatever the case might be”. “If people can make the case that there are sensible changes that should be supported, the government will support them”.

Dutton complained that police in Victoria had “one hand tied behind their back” and suggested the state government toughen bail laws and move-on laws. He repeatedly referred to the need “to adopt Australian values”, suggesting character considerations could play a greater role in who is allowed to become an Australian citizen.

The minister said Australia needs “to get right the initial decision about whether we allow people to become Australian citizens”.

“We do need to do as much as we can to establish the fact that if somebody’s here for four or five years as a permanent resident, and they’re able-bodied, they’re of working age, and that particular person hasn’t worked a day since they’ve been here, we need to ask questions about whether or not that is a proper contribution, whether or not that person is going to make the best Australian citizen that they could be.”

Dutton did rule out deporting refugees to countries where they would be in harm’s way – breaching the refugee convention – or deporting children born in Australia.

However, Australia already uses an abbreviated assessment process of refugee claims that the UNHCR has said breaches international law and has resulted in asylum seekers being returned to Sri Lanka and arrested.

Asked at a press conference in Melbourne about the possibility of deporting minors who had committed serious crimes, Shorten said Labor would “look at what [Dutton’s] saying”. “The reality is that people who are not Australian citizens who come to Australia and commit serious crimes have no place in Australia,” he said.

Asked again specifically about minors, Shorten said he would not do “policy on the run” at the press conference. “But Labor is committed to having an immigration policy, which means the people who come here respect our laws, and I think all sides of politics agree on that.”

<https://www.theguardian.com/australia-news/2017/jan/19/peter-dutton-and-bill-shorten-open-door-to-deportation-of-child-criminals>

15. Donald Trump will stop Australia-US refugee deal: US congressman Brian Babin

Sydney Morning Herald
January 9 2017 - 12:15AM
Tom McIlroy

Donald Trump "will do everything in his power" to halt the refugee deal between Australia and the US, according to a hardline Texan congressman who is confident no resettlements will ever take place from Manus Island or Nauru.

More than two months after the agreement between outgoing President Barack Obama and Prime Minister Malcolm Turnbull was announced, slow progress on applications and lengthy security vetting by the US Department of Homeland Security is raising fear among those held in the Australian offshore immigration detention centres, ahead of Mr Trump's inauguration on January 20.

Texas Republican Brian Babin, a prominent critic of Mr Obama's refugee resettlement policies, called the one-off Australian deal "madness" and said the incoming administration would overturn it.

A member of the hard-right Freedom Caucus, the two-term representative of Texas's 36th congressional district said Mr Trump would block any of the planned resettlements facilitated by the United Nations High Commissioner for Refugees because of risks to the safety and security of America's citizens.

"I am confident President-elect Trump will do everything in his power to put an immediate stop to this secret Australian-US refugee deal that should have simply never happened in the first place," he told Fairfax Media.

"It was made behind doors without any input from Congress. In fact, when Congress asked for details on the agreement and the refugees, the Obama administration refused to share the information.

"This secret deal to import dangerous refugees into the US is exactly what the American people soundly rejected in November with the election of Donald Trump."

The comments follow similar criticism from the influential chairmen of the House and Senate judiciary committees, who said in November the White House had "left Americans in the dark".

Senator Chuck Grassley and Congressman Bob Goodlatte warned against taking in asylum seekers "from countries of national security concern" and states designated by the US as sponsors of terrorism, forcing letters of assurance from the State Department and Homeland Security before Christmas stating that countries involved in the plan were already included in the existing US refugee intake.

The deal is understood to have wider benefits for the US, unrelated to refugee management. Australia has agreed to resettle refugees from Central America's "northern triangle" countries of Guatemala, Honduras and El Salvador, currently living in camps in Costa Rica.

As part of the agreement in New York in September, Australia also committed \$130 million for further aid to displaced people around the world.

Optimism exists among Australian diplomats in the US that refugee resettlements will still proceed, even taking into account Mr Trump's mooted ban on Muslim immigration and inflammatory campaign rhetoric about refugees.

One US-based immigration expert said a wider refugee ban was likely when Mr Trump took office and suggested Mr Turnbull start exploring other options.

Immigration Minister Peter Dutton refuses to discuss progress of the deal, while a spokesman for Mr Turnbull said he remained confident it would survive the change of administration.

Asylum seeker advocates in Australia said US immigration officials were due back on Nauru over the weekend, with about 100 people there currently being processed for possible resettlement.

Homeland Security officials are expected in Nauru in February. On Manus Island, detainees are expecting immigration officials next month but no list of possible transfers has been prepared.

Last month, Immigration and Border Protection Department secretary Michael Pezzullo and senior officials made a secret visit to the US to establish ties with members of Mr Trump's circle and to spruik the resettlement plan, also talking up the Coalition's hardline Operation Sovereign Borders border protection regime.

<http://www.smh.com.au/federal-politics/political-news/donald-trump-will-stop-australia-us-refugee-deal-us-congressman-brian-babin-20170105-gtmvot.html>

16. US officials visit Manus Island as Australia's refugee deal stays on track

US official says resettlement interviews will begin next month despite doubts about the scheme under Trump

The Guardian

Ben Doherty

Monday 23 January 2017 13.57 AEDT

The deal to resettle refugees from Australia's offshore detention islands to the US appears to be proceeding in the early days of the Trump administration, with US officials visiting Manus Island to speak to refugees.

A US official, accompanied by Australian immigration officers, visited the detention centre on Friday – just hours before Trump's inauguration – and told refugees that interviews for potential resettlement would begin next month.

US officials have already visited Nauru.

Sources on Manus Island have told Guardian Australia the resettlement option would only be available for detainees who have been found to be refugees (under the refugees convention). Those who have had a negative assessment on their protection claim would not be eligible for resettlement.

The Resettlement Support Centre East Asia has been contracted by the US state department to oversee the interview process. Refugees are expected to be interviewed at least twice and the entire process is expected to take between six and 12 months.

Detainees on Nauru – where families, unaccompanied women and children, as well as single men, have been sent – were believed to be set for resettlement before those on Manus, which is for single men only. Both detention centres have been the subject of sustained criticism by the UN and other nations over systemic sexual and physical abuse of those detained, including rapes, beatings and the murder of one asylum seeker by guards; child sexual abuse; chronic rates of self-harm and suicide; dangerous levels of sustained mental illness, harsh conditions and inadequate medical treatment.

A Rohingya refugee from Myanmar, Imran Mohammad Fazal Hoque, told Guardian Australia from Manus the men on the island were hopeful about the proposed resettlement deal but past disappointments tempered their expectations.

"It is extremely hard to believe anything in this forsaken prison, as we have always been used as pawns in political games," he said.

"Although we have been told all of this, we will not believe anything until we see some kind of action. All we have is hope and we pray that we will be able to experience our freedom soon."

Fazal Hoque said the men held on Manus Island were frustrated by the uncertainty about their future.

In April last year the detention centre on Manus Island was ruled "illegal and unconstitutional" by Papua New Guinea's supreme court. However, the centre continues to operate, albeit with some minor cosmetic changes to the detention regimen, nearly 10 months later.

"It feels like we are kicked in our stomachs meanwhile we are expected to say 'thank you'," Fazal Hoque said. "We are tested every single day, however it is almost impossible for them to find a single mistake in us."

Fazal Hoque said he worried for the future of those who had received 'negative assessments' on the refugee status claim.

"I saw men today with negative notification who became like rock, no feelings, no voice whatsoever. They were just sitting on chairs in a corner, facing the anti-climb fences. It was so excruciatingly painful for me to see how these men were being drawn into a depressed world."

The Iranian refugee and journalist Behrouz Boochani told Guardian Australia from Manus said no one seemed certain the resettlement deal would progress.

"They have played many different kind of political game on us during the past four years," he said. "So nobody trusts them, whatever they say. The biggest uncertainty is Trump. The Department of Immigration and Border Protection itself is also in doubt. It seems like they themselves are not certain about many things."

Boochani said the possible 12-month wait for resettlement had left many depressed.

"We have already been in this prison for almost four years and now it's ... more suffering for us to spend another year [waiting to know] whether we will be accepted by America," he said.

The vast majority of the people held in Australia's offshore detention regime have been found to have a valid claim to refugee status because they have demonstrated a well-founded fear of persecution in their homelands and are legally owed protection.

The latest Australian government figures show that, on Manus Island, of 859 final determinations, 669 men have been granted refugee status, while 190 have been given negative final determinations on their claim for protection.

On Nauru, of 1,200 refugee status determinations, 983 have been positive, and 217 negative.

In the US, several high-profile Republicans and supporters of the new president have said Trump's administration could abandon the Australian resettlement deal. Neither the president nor any members of his team have commented directly on the deal.

In September, at an international conference called by the former president Barack Obama to address global refugee flows, Australia committed to resettling refugees from camps in Costa Rica. Those central American refugees have mainly fled the countries of Guatemala, Honduras and El Salvador devastated by gang and drug violence.

Guardian Australia has contacted the Department of Immigration and Border Protection for comment as well as the office of minister Peter Dutton.

<https://www.theguardian.com/australia-news/2017/jan/23/us-officials-visit-manus-island-as-australias-refugee-deal-stays-on-track>

17. Donald Trump poised to scuttle Malcolm Turnbull's US refugee deal

Canberra Times / Reuters
January 25 2017 - 3:17PM
Mark Kenny

Prime Minister Malcolm Turnbull's vaunted US "solution", aimed at resettling hundreds of refugees from Manus Island and Nauru, faces collapse as the freshly minted US President Donald Trump eyes selective bans on immigration.

The yet-to-be-delivered agreement was nipped out in secret talks with Washington in the dying months of the Obama administration.

But now, just a day after scotching the contentious 12-nation Trans-Pacific Partnership free trade pact, Mr Trump is on the cusp of delivering on another of his pre-election commitments - a promise to stop migration from several countries associated with Islamic fundamentalism.

Also being contemplated is a temporary ban on all refugees entering the US, regardless of origin.'

According to sources, Mr Trump will, within the next 24 hours, sign an executive order banning US entry to any refugees from Syria as well as those from Iran, Iraq, Somalia, Libya, Yemen and Sudan.

Other countries could yet be added to that list. Advertisement

That could effectively end the US/Australia resettlement deal or limit it to a much smaller number, meaning that most refugees held in the two centres of Manus Island in Papua New Guinea and Nauru, would continue to languish indefinitely.

Iran makes up the bulk of the refugee population held in the two detention facilities on Australia's behalf, with significant representation from other Islamic countries also, including Pakistan, Iraq, and Afghanistan.

On Nauru, there are also many refugees from Sri Lanka, Bangladesh, and Pakistan.

There has been little movement in the populations of refugees at the two centres since 2014 when the Department of Border Protection advised Parliament that there were more than 500 Iranian asylum seekers or refugees contained at the Manus Island centre, and more than 120 from Afghanistan. There is also more than 100 men in Manus Island originating from Iraq, and over 150 Iranians on Nauru.

US immigration officials were present at Manus Island last week and spoke to hopeful refugees, indicating that the process of evaluation for suitability remained on track.

Notices posted at the centres have advised detainees that the formal assessments by US immigration officials were to commence in February for a process that could take between 6 to 12 months to complete.

Mr Turnbull and his Immigration Minister Peter Dutton announced a special one-off resettlement deal with the US in mid-November last year, but both were deliberately vague about the final numbers to eventually be granted resettlement by America.

However doubts about the robustness of that agreement quickly emerged, given the feverish US presidential election, and the specific comments made by Mr Trump on the hustings regarding the perceived security threat to America posed by nationals from certain countries.

Mr Trump is expected to sign the executive order banning immigration on a country-by-country basis at the Department of Homeland Security after he swears in his new Secretary for Homeland Security, Marine General John Kelly.

Canberra is keeping on a weather eye on developments in the Trump White House, but outwardly, offered only a dead bat to the suggestion that the deal is in peril.

"The government has entered into a unique arrangement with the United States, which reflects the depth of our relationship on many fronts," said Mr Dutton.

"We look forward to working with President Trump, his administration, and in particular Secretary of Homeland Security General John Kelly, on this issue and many others of shared interest in the years ahead. We will continue to work with our friends in the United States on the arrangement but will not provide a running commentary through the media."

Nonetheless, an effective repudiation of the refugee resettlement deal by the Trump-led White House would be the second blow to the Turnbull government in as many days after Mr Trump scuttled the TPP by withdrawing the US from its purview.

The Australian government was left scrambling to keep its politically crucial trade liberalisation ambitions alive leading to a shrill exchange between Mr Turnbull and opposition leader Bill Shorten over who was at fault.

In a tit-for-tat brawl, Mr Turnbull called Mr Shorten a weakling on trade while Mr Shorten branded the Prime Minister delusional and accused him of lacking the courage to blame the new US president for a return to protectionism.

<http://www.canberratimes.com.au/federal-politics/political-news/donald-trump-poised-to-scuttle-malcolm-turnbulls-us-refugee-deal-20170125-gtybdo.html>

18. Barnaby Joyce says 'not the end of the world' if Australia-US refugee deal falls through

Australian government insists it will push ahead with resettlement deal despite threat Donald Trump will block refugees from Muslim countries

The Guardian
Paul Karp
Thursday 26 January 2017 11.49 AEDT

Barnaby Joyce has said it would not be the "end of the world" if the United States tears up a deal to resettle refugees in Australia's offshore detention facilities on Manus Island and Nauru.

But former immigration minister Scott Morrison and other government officials insist the deal will continue despite suggestions that Donald Trump will order a temporary ban on most refugees and suspend visas for citizens of some Middle Eastern and African countries.

In November the Turnbull government announced the deal for the US to take the refugees, who are mostly from Iran, Syria, Sri Lanka, Pakistan, Bangladesh and Iraq, just one week after Trump's election.

Concerns were immediately raised that Trump's immigration policies were incompatible with the deal, and he would end it despite Australia's commitment to take refugees from camps in Costa Rica.

US officials have already visited Nauru, and visited Manus Island on Friday – just hours before Trump's inauguration – and told refugees that interviews for potential resettlement would begin next month.

Asked on 2GB Radio on Thursday if the deal was now in grave doubt, Australia's deputy prime minister said: "Let's see."

Joyce expressed hope the deal would go ahead, describing it as "well-planned and well thought out".

"In all of this we have a shared responsibility across the globe, to have strong borders," he said.

He claimed that although Australia used to be criticised for its refugee policies, other countries now recognised: "The only way we can control this problem is to say 'if you came here of your own volition you have to go back where you came from or certainly you're never going to get to stay here'."

Asked if the deal collapsing would be "the end of the world", Joyce insisted "it's not, of course not".

“It doesn’t mean we’re going to be changing our position. There’s one way you can come to this country: it’s with our permission.”

Joyce did not explain what would happen to more than a thousand refugees in detention on Manus Island and Nauru if they were not accepted by the US, as the Australian government has no other third-party resettlement deal in place.

A government spokesman told Guardian Australia it remains confident that the US-Australian refugee deal would go ahead.

Asked on ABC AM whether Trump blocking refugees from majority Muslim countries, including Syria, would scuttle the deal, Morrison referred the questions to the immigration minister, Peter Dutton.

He noted Dutton had made “very positive” comments about the deal’s prospects and commended him for what he said was a “very important” agreement.

“We have an arrangement, which we’ve been able to enter into, and obviously we’ll continue to work that arrangement,” the treasurer said.

“The president is the president of the United States, they will make the decisions as it applies to things on their side.

“But in the meantime, we will continue to pursue those arrangements.”

The vast majority of the people held in Australia’s offshore detention regime have been found to have a valid claim to refugee status because they have demonstrated a well-founded fear of persecution in their homelands and are legally owed protection.

The US resettlement deal is crucial to the Australian government’s plan to reduce the populations in and ultimately close its regional offshore detention centres.

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

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

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

In April last year the detention centre on Manus Island was ruled “illegal and unconstitutional” by Papua New Guinea’s supreme court. However, the centre continues to operate, albeit with some minor cosmetic changes to the detention regimen, nearly 10 months later.

<https://www.theguardian.com/australia-news/2017/jan/26/barnaby-joyce-says-not-the-end-of-the-world-if-australia-us-refugee-deal-falls-through>

19. Julie Bishop speaks to US Vice President Mike Pence, refuses to express confidence in refugee swap

Canberra Times
January 27 2017 - 3:18PM
Patrick Hatch

Australian Foreign Minister Julie Bishop has refused to express confidence a refugee swap with the United States will go ahead, after the chief diplomat had her first high-level interaction with President Donald Trump's administration.

The deal, struck in November under President Barack Obama, was to see 1800 refugees held in Australian offshore detention centres resettled in the US, but President Trump has thrown the agreement into doubt.

A leaked draft executive order from the White House reported by US newspapers on Thursday includes a four-month suspension on accepting refugees and a range of long-term restrictions. Speaking after a dialogue on Australia-US relations in Los Angeles on Thursday, Ms Bishop said she took a phone call that afternoon from US Vice President Mike Pence and had a “warm and engaging discussion” about a “whole range of issues”.

Ms Bishop would not say if the refugee swap had been discussed with anyone in the new administration, or if she had confidence it would go ahead. “I believe the United States and Australia will continue to work together to assist each other in implementing our strong border protection policies,” she said.

Asked what she had discussed with the US Vice President, she would only say the conversation covered "regional challenges that the United States and Australia both face" and bilateral issues.

Ms Bishop was speaking at the US-Australia Dialogue on Co-operation in the Indo-Pacific where Australia's ambassador to the United States Joe Hockey, offered his own reflections on how relations should be managed following the election of Mr Trump.

"I would just caution people not to worry too much about their emotions during this transition in the United States," the former Coalition treasurer said. "Don't be optimistic, don't be pessimistic, be realistic."

Mr Hockey said Mr Trump's election victory should be seen in the context of a wave of anti-establishment sentiment sweeping the globe, which included the Brexit vote, numerous incumbent governments losing office, and terrorism.

In her speech at the dialogue Ms Bishop said it was "essential" for the US to give "serious consideration and at the highest levels" to closer involvement with the Association of South-East Asian Nations. She said ASEAN, though often maligned, still had the power to positively shape China's rise.

Mr Trump said on Thursday he would introduce "extreme vetting" of immigrants and that it was going to be "very hard to come in" to the US.

"The world is as angry as it gets," he said in a television interview. "The world is a total mess."

The President on Thursday publicly suggested implementing a 20 per cent import tax on Mexican goods, as well as on other countries, to pay for his much trumpeted border wall.

Mr Trump has also threatened to rip up its free trade agreement with its southern neighbour. But Ms Bishop said the possibility of an import tax on Australian goods had not been raised in any of her discussions with Mr Trump's administration, and that the Australia-US trade agreement was safe.

"The Australia-US free trade agreement works very much in the US's favour in the sense that there is a significant trade surplus," Ms Bishop said. "We have a trade deficit with the United States and there's certainly has been no indication at all that the administration is looking to renegotiate the... free trade agreement."

<http://www.canberratimes.com.au/federal-politics/political-news/julie-bishop-speaks-to-us-vice-president-mike-pence-refuses-to-express-confidence-in-refugee-swap-20170127-gu01xe.html>

20. Daniel Webb: The US refugee deal grows shakier by the day. Turnbull must find a humane way forward

Trump is set to sign executive orders imposing a freeze on all refugee resettlement – those detained offshore should be brought to safety in Australia

The Guardian
Friday 27 January 2017 17.06 AEDT
Daniel Webb

With US President Donald Trump set to expose further holes in our government's already uncertain refugee deal, prime minister Malcolm Turnbull must urgently find a humane way forward.

Trump is set to sign executive orders imposing a four month freeze on all refugee resettlement to the US and drastically reducing America's refugee intake thereafter, slashing it by 60,000 places. Additional restrictions will also apply to people from refugee producing countries such as Syria, Iran and Iraq.

Turnbull and immigration minister Peter Dutton are predictably putting on a brave face and acting like everything is fine, but the writing is well and truly on the wall. While a painfully long and narrow road to the US may possibly still exist for some, no one on Manus or Nauru will be going to the US anytime soon and many now seem unlikely to ever go at all.

The tragedy is that when the US deal was first announced many people stuck on Manus and Nauru began to feel hopeful and optimistic for the first time in years – after three years of limbo, our government was finally acknowledging that it couldn't just leave them languishing on remote islands forever. Having those hopes dashed will cause absolute despair.

The first time I went to Manus was in the weeks after Iranian refugee Reza Barati was murdered in February 2014. The men I met back then spoke of the incredible tension and fears of further violence inside the centre. They also described the boredom of having nothing to do, spending day after day trapped behind the same fences – the sheer nothingness of it all.

But what caused them the most anguish was the indefinite nature of their situation. Would they be there for a month? A year? Forever? They had no idea if or when or to where they would ever be resettled. They had no idea if or when they would ever see their families again. They were in perpetual limbo, which one of the men described as a “mental torture”.

They were exhausted back then. And that was three years ago.

It is our government’s responsibility to urgently find a humane way forward. Time and time again immigration minister Peter Dutton has nailed his colours to the mast and insisted that the men, women and children on Manus and Nauru will never be brought to Australia. But that position becomes more and more untenable by the day. The government has already conceded that Manus and Nauru are dead ends. The Cambodia deal is a costly and cruel failure. It’s now clear the US deal won’t be enough to ensure safety for all.

The government is out of options.

In addition to finding a way forward for those stuck on Manus and Nauru the Turnbull government must also end the limbo of the 370 people already here after being evacuated for urgent medical treatment.

The group includes women sexually assaulted on Nauru, men violently beaten on Manus and children so traumatised by what they have seen in offshore detention that they have required psychiatric inpatient treatment.

The group also includes more than 40 babies born right here in Australian hospitals – children who have now taken their first steps and spoken their first words in our communities but who remain at risk of sudden deportation to Nauru. While they are temporarily safe from the horrors of offshore detention, these children and their families are being forced to go to sleep every night worried they will one day be returned to harm.

After three and a half years of limbo, enough is enough. The people being warehoused on Manus and Nauru should be evacuated to safety in Australia. Those already here should be allowed to stay and continue rebuilding their lives in our communities.

The lives of the 2000 people on Manus and Nauru and the 370 already here are in Turnbull’s hands, not Trump’s. Whatever the policy challenge, continuing to cause them serious harm isn’t the solution. It’s time for Turnbull to show some leadership and principle and do the decent thing.

<https://www.theguardian.com/commentisfree/2017/jan/27/the-us-refugee-deal-grows-shakier-by-the-day-turnbull-must-find-a-humane-way-forward>

21. Australia's refugee deal in jeopardy after Trump's 'extreme vetting' order

Human rights officials say Malcolm Turnbull must immediately outline a plan for those imprisoned on Manus Island and Nauru

The Guardian
Ben Doherty
Saturday 28 January 2017 13.17 AEDT

The executive order of the US president, Donald Trump, slashing the country’s refugee intake, appears set to kill off Australia’s nascent deal to resettle refugees there from its offshore detention camps.

Trump signed the executive order to drastically limit the US’s intake of migrants from Muslim-majority countries on Saturday morning Australia-time.

The order suspends the granting of visas to people from Iraq, Syria or any other “country of concern” for 90 days. Other countries of concern are expected to be nominated as Iran, Libya, Somalia, Sudan and Yemen.

Syrians have been banned from entering the US as refugees indefinitely. All refugee intake into the US has been stopped for 120 days.

The order also caps the total number of refugees entering the US in 2017 to 50,000 – less than half the 2016 figure of 117,000.

The executive order will have global consequences. For decades, the US has been, by far, the largest “third-country” resettler of refugees in the world.

In November, the Australian prime minister, Malcolm Turnbull, and the then US president Barack Obama brokered a deal for the US to resettle some of the refugees held on the Australian-run offshore detention centres of Manus Island in PNG, and Nauru.

About 2000 asylum seekers and refugees are held on the islands, and most have been there for more than three years. The camps have been blighted by deaths, systemic violence, sexual abuse – including of children, maltreatment, poor healthcare, and self-harm and suicide attempts.

Iranian refugees make up the largest group on Manus and Nauru. There are also significant Iraqi, Sudanese and Somali cohorts likely to be affected by the US order.

In the face of speculation over Trump's promised executive order, the Australian government has insisted that the US resettlement deal would progress, regardless of its content, but there is growing concern, given the breadth and strength of the Trump decree, that the Australian deal will be scotched too.

The 120-day suspension of all refugee resettlement to the US means the resettlement deal cannot progress for at least four months.

Officials from the US were on Manus as recently as last week, outlining the details of the proposed resettlement deal. The Resettlement Support Centre East Asia, an arm of the International Rescue Committee, has been contracted to oversee the resettlement.

The process was expected to involve several interviews, and take between six and 12 months.

On Manus Island, the Iranian refugee and journalist Behrouz Boochani said that refugees, already sceptical about the genuineness of the US deal, believed it was all but dead.

"It is hard to believe that Manus and Nauru refugees will be resettled in the US. Do not forget his promises and his slogans were against migrants and refugees.

"I don't trust the government and I think they know that Trump won't accept us. It is only a political game for wasting time."

Imran Mohammad Fazal Hoque, a Rohingya refugee on Manus, told the Guardian from the detention centre he was shocked that Trump's order stated that Christian refugees would be given priority among people seeking protection.

"No human should be judged based on their religion or the colour of their skin.

"It is becoming ever more impossible to believe that the deal to resettle the refugees from Manus Island to the US will ever go ahead."

A Sudanese refugee on Manus, Abdul Aziz Muhamat, said the men held on Manus did not know whom to believe on the future of the Australia-US deal.

"It's very strange, we have really lost hope, we are devastated."

Writing in the Guardian, the director of legal advocacy for the Human Rights Law Centre, Daniel Webb, said the executive order "clearly impacts many, if not most, of the men, women and children currently stuck on Nauru and Manus".

"While there may possibly still be a painfully long and narrow road to the US for some, it's now crystal clear that the US deal won't ensure safety for all.

"When prime minister Malcolm Turnbull announced the US deal, he was quite rightly acknowledging that he couldn't just leave people languishing in limbo on Nauru and Manus forever. Having finally conceded that Nauru and Manus are dead ends, it is our government's responsibility to urgently find a humane way forward."

Matthew Phillips, the human rights campaign director with GetUp!, said that taken at face value, the executive order ended all hope of a timely resettlement program with the US.

"In brokering the agreement, the Turnbull government acknowledged that the policy of offshore detention is untenable and that it could no longer detain men, women and children indefinitely and without trial in abusive conditions. Now the onus is on Malcolm Turnbull to immediately outline a plan to provide safety for all those unlawfully imprisoned on Manus Island and Nauru, starting with the urgent evacuation of the camps."

Phillips said the policy of offshore detention was in "utter disarray". "The PNG supreme court has ruled the Manus detention centre illegal and the government has no company willing to run the camps after October this year. Now that the resettlement arrangement seems unlikely to work out, Malcolm Turnbull must outline a plan to provide safety for all."

The Guardian has sought comment from the office of the immigration minister, Peter Dutton, as well as the Department of Immigration and Border Protection.

<https://www.theguardian.com/australia-news/2017/jan/28/australias-refugee-deal-in-jeopardy-after-trumps-extreme-vetting-order>

22. Malcolm Turnbull confident about US refugee deal despite Trump order

Canberra Times
January 29 2017 - 4:04AM
Adam Gartrell

The Turnbull government is pinning hopes for its US refugee deal on a clause buried deep within Donald Trump's controversial anti-Muslim executive order.

The US president's latest executive order has closed the nation's borders to refugees, suspending entry for 120 days and targeting Syrians with an indefinite ban.

Declaring the measures were aimed at keeping "radical Islamic terrorists" out of the US, Mr Trump also suspended all immigration from seven predominantly Muslim nations and established a religious test that will give Christians in Muslim countries visa priority.

It had been feared the new policy would scuttle the refugee deal the government struck with the Obama administration, which is aimed at resettling hundred of refugees – most of them from the countries banned by Mr Trump – from Manus Island in Papua New Guinea and Nauru.

But the government is taking hope from a section of the US order that appears to provide a workaround.

It says the Secretaries of State and Homeland Security have the discretion to admit people on a "case-by-case" basis, specifically giving scope for exceptions that would "enable the United States to conform its conduct to a pre-existing international agreement".

Prime Minister Malcolm Turnbull – who is expected to speak with Mr Trump by phone at 9am on Sunday – has seized on the development.

"It is quite clear that the administration has set out in the order the ability to deal with existing arrangements such as the one that we have," he told journalists on Saturday.

"We are very confident and satisfied that the arrangement will continue."

However, it's still unclear how many refugees the US will take, even if the agreement does proceed. The government has been vague on that point.

Mr Turnbull says he is looking forward to the phone call.

"We are very, very close friends and very strong and trusted allies. The relationship between the United States and Australia gets stronger all the time and I have no doubt it will be stronger and deeper and more engaged during his administration."

Meanwhile, newly sworn-in US Secretary of Defense James Mattis has ordered a review of the costs of F-35 Joint Strike Fighter program – another decision that could affect Australia, which is buying 72 of the troubled next-generation fighters.

But Defence Industry Minister Christopher Pyne does not believe the review will spell trouble for the program or for Australia's order.

"Australian jets will be received as per the currently approved schedule. The production schedule won't change as a result of this report," a spokesman for Mr Pyne said.

<http://www.canberratimes.com.au/federal-politics/political-news/malcolm-turnbull-confident-about-us-refugee-deal-despite-trump-order-20170128-gu0kze.html>

23. Trump tells Turnbull US will honour Manus and Nauru deal despite refugee ban

Australian PM speaks to Trump by phone for 25 minutes as ban on travellers from some Muslim-majority countries is enforced in US

The Guardian
Gabrielle Chan
Saturday 28 January 2017 22:05 EST

Donald Trump has committed to honour the deal with Australia to take refugees from Manus Island and Nauru – even as his ban against refugees and migrants from some Muslim-majority countries is enforced.

In a 25-minute phone call with Malcolm Turnbull, the two leaders committed to work together to improve global stability, defeat Islamic State (also known as Isis or Isil) and prevent irregular and illegal immigration.

“The ongoing shared objective to defeat Isil was discussed and both leaders committed to continuing to work together to improve global stability, including in the Asia Pacific,” a government source said. “The leaders acknowledged a common interest in preventing irregular and illegal migration.”

“The president confirmed that his administration would continue to honour the 2016 refugee resettlement arrangement agreed between the governments of Australia and the United States.”

Shortly afterwards, the White House tweeted a photo of the call and released a statement.

“Both leaders emphasised the enduring strength and closeness of the US-Australia relationship that is critical for peace, stability and prosperity in the Asia-Pacific region and globally,” the White House statement said.

But Turnbull has yet to address the US Muslim refugee and migration ban in the wake of Trump’s executive order since it was imposed last week.

Trump’s executive order to close America’s borders to travellers from some Muslim-majority countries left people from those countries held in detention at New York City’s JFK airport on Saturday, causing chaos in American airports over the weekend.

Trump’s executive order suspends entry to the US for all refugees for 120 days, indefinitely for those from Syria. All entries by people from Iraq, Iran, Sudan, Libya, Somalia and Yemen have been suspended for 90 days, including valid visa-holders and legal residents. Green card holders were initially included in the ban but the White House later said they would face additional screening instead.

Of the refugees held on Manus and Nauru, Iranian refugees make up the largest group. There are also significant Iraqi, Sudanese and Somali cohorts among the detainees.

The Australian government updated its travel advice for the United States following the changes, advising those affected by the executive order that they would need to apply for non-immigrant visas through the US embassy or consulate.

“No exceptions will be made for government officials or ADF members who are dual citizens of Iran, Iraq, Syria or Sudan,” the advice stated.

Qantas offered refunds to any of its passengers caught up in the freeze.

Different views have emerged within the Coalition about the immigration ban. On Sunday, Australia’s trade minister, Steve Ciobo, said he would not support a Trump-style ban and nor would most Australians.

Asked if he would like Australia to implement a similar policy, Ciobo said he would not personally support such a ban and “it is not a position that most Australians will support”.

Ciobo said that, since the Coalition stopped asylum seeker boats, the government had been able to apply more rigour and focus on the people applying to come to Australia as refugees.

“Australians, I believe, fundamentally want to know that as a country we are going to be safe,” he told Sky News. “They want to know that we are not going to allow terrorists into Australia.”

But government whip and Queensland LNP member George Christensen posted a Breitbart article on his Facebook page about the Trump refugee order and described it as “a sensible policy for national security in the present climate”.

Christensen called for Australia to follow suit and told Guardian Australia that he would like to see a total ban on Australia’s humanitarian intake and a Trump-style ban from countries that have a high level of violent extremism.

Christensen said such a ban would include Saudi Arabia, Qatar and “a string of them in the Middle East”.

“Australia should consider the same thing for national security reasons but also, quite frankly, for economic reasons as well,” he said.

Christensen said that, under the Coalition, the intake would rise substantially over a decade and would be even higher under Labor, which he described as completely unsustainable, particularly in terms of welfare.

A former trainee priest, Christensen also revealed he had tried to lobby the foreign affairs minister, Julie Bishop, last year to drop foreign aid for groups that include abortion in their services – a policy Trump implemented last week.

"I don't think foreign aid funding should be used for those purposes, particularly in countries where majority of the population would find it abhorrent," Christensen said. "I expressed views to Julie Bishop and lobbied her last year but her view was firmly that the foreign aid would remain in place for services that include abortion. So I suspect the policy will stay in place."

Asked about the abortion ruling, Ciobo described Australia's aid program as very effective and warned the government needed to be respectful.

"I think there are a number of reasons why women would take the decision to have a termination," Ciobo told Sky. "I think we need to be very respectful that we don't command certain things from on high."

Bill Shorten said Australia's non-discriminatory immigration policies had made the country stronger.

This week, the prime minister and opposition leader will address the National Press Club to outline their parties' agendas for the year.

Over the weekend, Tony Abbott has continued to push the Coalition leadership, calling for Turnbull to adopt a constitutional referendum to change the Senate processes to allow governments to pass legislation or risk resembling Italy.

"Over time the Senate has ceased being a house of review and become a house of rejection," Abbott told the Australian.

He is preparing a major speech on the issue this week – one sure to blow a hole in a week set down by the Coalition to lay out its agenda.

Ciobo agreed the Senate had been frustrating from time to time but did not appear to back Abbott's idea.

"The fact is under this prime minister and this government we have been able to secure passage of key legislation through the Australian parliament, we've worked constructively and engaged in a meaningful way with the crossbench," Ciobo said.

<https://www.theguardian.com/australia-news/2017/jan/29/donald-trump-malcolm-turnbull-phone-call-immigration-ban-muslim>

24. Donald Trump tells Malcolm Turnbull he will honour the deal to resettle refugees from Nauru and Manus Island

Canberra Times
January 29 2017 - 3:17PM
David Wroe

US President Donald Trump has vowed to honour the deal with Australia for the US to resettle refugees from Nauru and Manus Island during a phone conversation with Prime Minister Malcolm Turnbull on Sunday morning, Fairfax Media understands.

Mr Trump told Mr Turnbull during the 25-minute call that his administration would continue to honour the arrangement, which the Prime Minister struck with the Obama administration but which came into question because of Mr Trump's hardline statements on accepting refugees.

It is not yet clear how many of the roughly 2000 asylum-seekers held on Nauru and Manus Island will be resettled in the US.

Under the agreement with the Obama administration, US officials have already visited Nauru to conduct a first round of interviews and were due to begin work on Manus Island in mid-February. It was expected that details of the deal between Australia and the US would not be nailed down until the second half of the year.

News that Mr Trump won't overturn his predecessor's arrangement with Australia puts to rest months of concern about the future of the deal that could finally resolve the plight of many of the refugees on Nauru and Manus Island.

An executive order released over the weekend by Mr Trump includes a four-month pause on all refugee arrivals, a three-month ban on entry by citizens from seven countries of terrorism concern including Iran, Iraq and Syria, and an indefinite halt on all refugees from Syria.

The new US President has also ordered officials to prioritise refugees who are fleeing persecution as members of religious minorities in their home countries, which would most obviously apply to Christians and other non-Muslims in the Middle East and South Asia.

That order, however, also stated that senior US officials can "admit individuals to the United States as refugees on a case-by-case basis" including to "enable the United States to conform its conduct to a pre-existing international agreement".

It is not certain that the US will take all confirmed refugees from Australia's offshore detention system. Mr Turnbull has said the United Nations' refugee agency would be responsible for assessing the refugee claims. That agency has made clear it

might reassess people on Nauru and Manus Island who have already been denied refugee status and could also take into account the hardship they have been through while seeking asylum.

Mr Turnbull has also said the deal would give priority to women, children and families. Those groups are housed on Nauru while Manus Island holds single men.

The US will conduct its own security vetting of applicants and could regard single men as a greater risk.

In their first conversation since the businessman was sworn in as US President, Mr Turnbull and Mr Trump also discussed the war against the so-called Islamic State and agreed to work together on global security including in the Asia-Pacific region. They also talked about their shared interest in stopping irregular migration of people seeking asylum.

Mr Turnbull's office is yet to comment on the 25-minute long conversation between the two leaders. A two paragraph statement from the White House said both leaders "emphasised the enduring strength and closeness of the US-Australia relationship that is critical for peace, stability and prosperity in the Asia-Pacific region and globally".

Education Minister Simon Birmingham told reporters he did not know the details of the conversation between Mr Turnbull and Mr Trump but said the two countries had "long been close allies and have worked co-operatively on a range of agreements and I'm very confident, the government's very confident, we will continue to work co-operatively on agreements in the future".

<http://www.canberratimes.com.au/federal-politics/political-news/donald-trump-tells-malcolm-turnbull-he-will-honour-the-deal-to-resettle-refugees-from-nauru-and-manus-island-20170129-gu0t6f.html>

25. Doctors plead for pregnant refugee on Nauru to be moved to Australian hospital

Kuwaiti is more than 35 weeks' pregnant, her baby is in breech and she has a fibroid or benign tumour on the wall of her uterus

The Guardian
Ben Doherty
Thursday 26 January 2017 11.12 AEDT

Doctors have pleaded for a heavily pregnant refugee on Nauru facing a complex and possibly life-threatening birth to be moved to an Australian hospital.

The 37-year-old Kuwaiti is more than 35 weeks' pregnant, her baby is in breech and she has a large fibroid or benign tumour on the wall of her uterus. She has previously had a miscarriage on Nauru.

But the Australian government has said that she must deliver her baby on Nauru, saying there are "comprehensive" medical services on the island.

The woman, whom the Guardian has chosen not to name, has been prescribed the antidepressant drug citalopram, a pregnancy class C medication that, Australian guidelines state, has "caused or may be suspected of causing, harmful effects on the human foetus".

According to the drug's manufacturer, possible effects on the newborn include persistent pulmonary hypertension, respiratory distress, cyanosis, apnoea, seizures, temperature instability, feeding difficulty, vomiting and hypoglycemia among others.

The Guardian has confirmed the woman remains on Nauru, despite medical transfer flights leaving the island this week.

A spokeswoman for the Department of Immigration and Border Protection declined to comment on the refugee's specific circumstance but told the Guardian: "Australia provides comprehensive medical support services to the regional processing centre in Nauru and to the Nauruan government health facilities.

"The department does not comment on individuals' medical situations."

The department's chief medical officer, Dr John Brayley, was made aware of the woman's impending complex delivery a month ago.

In subsequent correspondence sent last week, the president of Doctors for Refugees, Dr Barri Phatarfod, told Brayley: "We have discussed this case with Australian obstetric specialists who all agree that she should definitely come to Australia for the delivery, cautioning that elective breech vaginal deliveries have recently had some quite adverse outcomes in Australia and that any external cephalic version (manually turning a breech baby) attempt should only be done by experienced obstetricians in the presence of an operating theatre and team ready to proceed to immediate caesarean section and with appropriate neonatal expertise and facilities on hand.

“We urge you as the chief medical officer of the Department of Immigration and Border Protection and in your profession as a doctor to comply with the RANZCOG [Royal Australian and New Zealand College of Obstetricians and Gynaecologists] standards and take urgent steps to ensure this woman is brought to Australia immediately and receive the care she needs.”

Phatarfod told the Guardian that the woman faced a “very complex delivery”.

“The risks to her life, and to her baby’s life, are very significant,” she said. “In pregnancy, and in the delivery of babies, when things go wrong, they can go dreadfully wrong. But she can be given the best possible care very simply by being brought to Australia. Fly her to Brisbane and allow her to deliver at the Mater [hospital in Sydney] or the RBH [in Brisbane].”

Several babies have been born to refugee women in offshore immigration detention.

Until 2015, it was government practice that refugee and asylum seeker women in offshore detention be flown to Australia to give birth, because of access to superior tertiary hospital care.

Nauruan women facing complex births are still routinely flown to Australia for delivery and follow-up treatment. However, since 2015, it has been Australian government policy that asylum seekers and refugees deliver babies on Nauru because of their “propensity” to exercise their legal rights in Australia’s courts and seek an injunction against their removal from Australia.

Briefing notes provided to Brayley as the incoming chief medical officer revealed under FoI state: “Please note the propensity of those transferred to Australia to join legal action which prevents their subsequent return to PNG or Nauru.”

The notes counsel that additional medical equipment and specialist visits were being provided in offshore detention, because “it is preferred that only those cases where the life of the refugee/transferee is in danger ... are considered for transfer”.

The policy has led to extraordinary circumstances on the island for pregnant refugee women.

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

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

In Australia, when the government sought to return the infant known as Baby Asha to Nauru, protesters surrounded the Lady Cilento hospital to stop her being removed. Doctors refused to discharge the baby from hospital, stating the Nauru detention centre was not a safe environment for her. Baby Asha was ultimately discharged to live in the community in Australia.

The government’s policies around babies born to refugee women have also led to an unusual legal sophistry.

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

<https://www.theguardian.com/world/2017/jan/26/doctors-plead-for-pregnant-refugee-on-nauru-to-be-moved-to-australian-hospital>

26. Nauru refugee says medical treatment withheld after he had heart attack

‘Yusuf’ says medical transfer to Papua New Guinea did not eventuate and he still suffers from chest pains and numbness

The Guardian
Melissa Davey
Wednesday 21 December 2016 13.20 AEDT

A refugee on Nauru says he has been denied appropriate medical treatment since suffering a heart attack more than one month ago.

On 5 November the man, in his early 30s, presented at the Republic of Nauru hospital with chest pain, dizziness, numb feet, cold hands and sweating.

He was told by doctors that he needed medical treatment that could not be provided on the island because the hospital is not equipped with a cardiology unit, according to an advocate with the Asylum Seeker Resource Centre, Natasha Blucher.

International Health & Medical Services (IHMS), contracted by the Australian government to provide healthcare to asylum seekers and refugees in Nauru, approved the man’s transfer to Papua New Guinea for treatment, Blucher said.

“He was told he would be sent on 23 November, which came and went, and then a doctor rang him on December 1 and said there had been problems with planes to Papua New Guinea and that he would be sent within one week,” she said. “But he still hasn’t been transferred.”

In a statement IHMS said it was “not contracted to provide acute and specialist care to refugees”. “Nor is IHMS involved in the management of the overseas medical referral process for refugees.”

The man, who wanted to be identified under the pseudonym “Yusuf”, told Guardian Australia through an interpreter that he was intermittently suffering from chest pains, chills and numbness.

“I’m not feeling well at all right now,” he said. “I’m really upset of course. I’m upset first of all but I’m mentally disturbed because I feel they’re doing this to push myself to the brink where I will kill myself out of desperation.”

Yusuf, who lives in the community, said he did not have any family with him and that he was sleeping in the same room as a friend, who was monitoring him and helping him with basic tasks. The accommodation is 40 minutes’ walk away from shops and other amenities but Yusuf grows dizzy and is unable to walk long distances.

“My friend is the only one helping me, he cooks my food and I don’t have anyone else who can give me any help,” he said.

Australian lawyers representing the man, from the national justice project, declined to comment.

Guardian Australia understands the Australian government has sought its own, separate medical advice about the man.

A spokesman for the Department of Immigration and Border Protection said it did not provide specific details on the health and transfer arrangements of individuals.

“Decisions about medical transfers are made on a case by case basis according to clinical need, in consultation with the contracted health services provider and the government of Nauru,” he said.

In September, an Afghan man also on Nauru said he was not provided with the urgent medical treatment required after suffering from heart problems. The man was asked to write a will and requested that, if he died, the Australian government care for his children and provide them with an education.

And in May, a 26-year-old Bangladeshi refugee died in Nauru hospital from suspected heart failure after suffering a series of heart attacks. Plans were made to take him to Australia by air ambulance but he could not be moved.

The Asylum Seeker Resource Centre chief executive, Kon Karapanagiotidis, said that “We cannot allow Yusuf to become another appalling failure of our government’s duty of care”.

“He must be transferred to safety immediately,” he said. “Australian authorities have a duty of care to refugees and people seeking asylum regardless of whether they are in detention centres or living in the community offshore and they are once again failing in that responsibility.”

<https://www.theguardian.com/australia-news/2016/dec/21/nauru-refugee-says-medical-treatment-withheld-after-he-had-heart-attack>

27. Refugee on Nauru claims medical treatment for severe heart problems delayed without reason

ABC CAF - AM

By Katherine Gregory

Wednesday 21 December 2016

A refugee in Nauru has told the ABC he has been unable to receive much-needed medical treatment on the island.

The man, who is in his 30s, has been experiencing severe heart problems for over a month and was told he would be transferred to Port Moresby in Papua New Guinea for treatment.

The man is using the pseudonym Yusuf and said through an interpreter he has often been too sick to get up from his bed.

“Right now I am not feeling very good. I have some pain in my chest but mainly I have a little dizziness, and constant sweating. My body is sweating,” Yusuf said.

The ABC has obtained a copy of Yusuf’s medical records. They were made at the Ron Hospital in Nauru.

They have been read by an Australian cardiologist and show he is suffering from acute coronary syndrome and bradycardia, which reduces blood flow to the heart and can indicate a heart attack.

"The doctor said we sent your angiogram and reports but whatever happens with your treatment, we are not equipped here to treat you but you can continue with the medication we gave you," Yusuf said.

Yusuf said doctors told him on November 23 and again on December 1 he would be transferred to PNG for treatment, but he has since not heard anything more about it.

He said he also gave his consent to International Health and Medical Services (IHMS) for a medical transfer.

"On the 23rd of November they created paper work called travel documents for me for PNG and they made me sign it and I did sign them and the agreement and consent, but they never sent me," Yusuf said.

Doctor says man should be monitored closely

Dr Clare Arnott, a consultant cardiologist who has worked with asylum seekers, has also seen Yusuf's records.

"They thought he had severe bradycardia, so a very slow heart rate, and that they thought he was likely to be suffering from acute coronary syndrome, which essentially means someone that has had a heart attack or someone who is having a threat of a heart attack," Dr Arnott said.

She said at the very least Yusuf should be hospitalised and monitored much more closely, which he said is not happening.

"My understanding that based on those things, they recommended that he needed specialist care and he had been referred to IHMS. I know he was put on aspirin and Simvastatin, a treatment for someone you'd be concerned has coronary disease," Dr Arnott said.

But the Australian Government is deferring responsibility for the man's health to the Nauruan Government.

An advocate said the Government has also just downgraded the seriousness of Yusuf's condition.

Determining the need for transfer

A statement from a Department of Immigration spokesperson said refugees requiring medical treatment can be transferred to Port Moresby or Australia for treatment.

"Refugees are eligible to access the Government of Nauru Overseas Medical Referral process if required medical services are not available in Nauru. This process is under the management of the Government of Nauru."

"Decisions about medical transfers are made on a case by case basis according to clinical need, in consultation with the contracted health services provider and the Government of Nauru."

But advocates and some human rights lawyers are concerned that the lack of clarity around which country is responsible for refugees in Nauru has created a dangerous and convoluted process of approving medical transfers.

"It delays important treatment that people need. We've seen this time and time again over the last three years, whenever things go wrong, the Australian Government likes to point the finger at PNG and Nauru," Daniel Webb from the Human Rights Law Centre said.

Mr Webb said the Australian Government still has a legal and moral responsibility for the refugees

"That's the case under international law. The United Nations has said so repeatedly. And it's also been held by Australian courts to be the case under Australian domestic law as well," Mr Webb said.

"The Australian Government sent people to Nauru, the Australian Government built the fences they've been trapped behind, the Australian Government contracts directly with the service providers, the Australian Government signs the cheques."

<http://www.abc.net.au/news/2016-12-21/refugee-on-nauru-claims-heart-treatment-delayed/8136654>