

Project SafeCom News and Updates

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1. Australia's bid for UN Human Rights Council seat comes with 'stop the boats' baggage

Canberra Times
February 28 2017 - 6:54AM
Nick Miller

Geneva: Australia's violation of refugee human rights and its weak opposition to horrific abuses in Sri Lanka and Myanmar could hurt its chances of winning a coveted seat on the UN's Human Rights Council, an expert on the council's politics says.

The warning came as Australia launched a charm offensive in the United Nations corridors in Geneva, seeking to win support for the October vote on the position.

Australia's "core values" include respect for human rights and fundamental freedoms, minister for international development Concetta Fierravanti told the year-opening meeting of the HRC on Monday.

The minister said Australia had a "very generous immigration and humanitarian program", and sought election to the Council for the first time to "reflect our commitment to advance human rights".

If successful, Australia would use the position to push for gender equality, freedom of expression and the rights of indigenous people around the world.

It would have a "pragmatic, principled and passionate" approach to promoting human rights, Ms Fierravanti said.

But Phil Lynch, director of the International Service for Human Rights, a lobby group in Geneva, said Australia's human rights record did not entirely count in its favour.

It was sometimes seen to put its political and economic interests above human rights concerns when dealing with particular countries, he said.

For example, Australia split from most other Western countries in not backing a call for investigation of alleged war crimes and crimes against humanity in Sri Lanka.

And Australia also stood alone among allies in its approach to Myanmar, taking a technical, co-operative approach rather than insisting on robust human rights monitoring after gross human rights violations.

"Civil society will be very much looking to Australia in this session for how it positions itself on Myanmar, in light of the High Commissioner's most recent report," Mr Lynch said. That report found there had been brutal mass murder, rape, slitting of throats of children and other horrors. There has been an international push for a commission of inquiry and "it's really important Australia support that call," he said. Australia's treatment of refugees would also play against it, Mr Lynch said.

"Australia is the only nation in the world to have a policy of mandatory indefinite unreviewable offshore detention," he said. "It's a policy which is manifestly incompatible with international human rights law, has been strongly associated with serious human rights abuses and... it's an issue of which the world takes note."

Australia still stood a good chance of winning the HRC seat – not least because there were only three countries (Australia, France and Spain) competing for two positions. Mr Lynch said Australia was strong on a range of issues including the protection of journalists, combating violence against women and gay rights.

Council members include Egypt, China and Saudi Arabia, showing that countries who vote on new members don't always require a spotless human rights record. But he warned there were no guarantees – and votes had gone against predictions previously.

Australia's treatment of refugees has previously come in for strong criticism at the HRC. During an official review in November 2015 many countries singled out our mandatory, offshore detention and the stop-the-boats policy as failing to recognise the rights of asylum seekers.

And a year earlier the UN Committee Against Torture issued a report finding Australia's detention of refugees amounted to "cruel, inhuman or degrading treatment" forbidden by international law. Australia had human rights "challenges" but welcomed scrutiny from UN rapporteurs, Ms Fierravanti told Fairfax after her speech.

She said the attitude of other countries to Australia's asylum seeker policy was changing after the 2015 refugee crisis in Europe. "I think there's a respect for Australia's position," she said. "There's an understanding of why we've done what we've done (and) there's also support for the fact that we've stopped the drownings at sea."

There was no suggestion Australia would loosen its refugee policy to win the HRC seat. "The changing political paradigm in Australia... requires a (public) confidence in the migration progress," Ms Fierravanti.

In a recent speech widely interpreted as a bid for a return to the prime ministership, Mr Abbott suggested scrapping the Human Rights Commission and cutting immigration. Asked if Mr Abbott's comments might undermine confidence in the migration program, Ms Fierravanti said Australia was a "country of migration" and "people do understand a good migration process". "If Tony Abbott chooses now to change his position, whereas previously he advocated a particular line, that's Tony's role, that's up to Tony to change his mind and he can do that. "My interest is the Australia public and the confidence the Australian public continue to have in the migration progress."

She defended Australia's slow progress on its November 2015 promise under prime minister Abbott to take 12,000 refugees from Syria and Iraq, who have been waiting in refugee camps in the Middle East. Almost a year and a half later more than 2000 are still yet to arrive in Australia, and hundreds of visas have not yet been granted. "We are progressing," the minister said. "There are issues of security. We are going through the appropriate checks and balances, we owe that to the Australian public." Ms Fierravanti said Australia was the "gold standard" in the resettlement of refugees and in other human rights areas, for example in tolerance and respect of other cultures.

<http://www.canberratimes.com.au/world/australias-bid-for-un-human-rights-council-seat-comes-with-stop-the-boats-baggage-20170227-gumo8r.html>

2. Australia's Refugee Policy Is A Crime Against Humanity

Bringing suit against Canberra over its barbaric detention policy would show the ICC isn't just for African strongmen anymore.

Foreign Policy magazine
Rebecca Hamilton
February 23, 2017

Last week, a veritable who's who of human rights lawyers, coordinated through Stanford Law School's human rights clinic, lodged a 108-page brief with the prosecutor of the International Criminal Court (ICC), urging her to investigate alleged crimes committed by Australian officials and the Australian government's private contractors. Among an ICC docket stacked with African warlords and strongmen, the folks from Down Under may seem like an odd fit.

But as the well-researched brief demonstrates, there's every indication that Australian officials, over the course of successive governments, have knowingly enabled the commission of crimes against humanity. Their victims have been people whose only "crime" was to seek Australia's protection from persecution. In light of trends in Europe and, most recently, the United States, toward abandoning the hard-won protections enshrined in the U.N. Refugee Convention, this is the optimal moment for the ICC to take a closer look — and a key opportunity for the ICC to prove that it isn't just targeting developing countries, but is willing to take on the crimes of developed nations too.

The allegations of crimes against humanity, including torture, deportation, persecution, and other inhumane acts, stem from Australia's post-9/11 policy toward asylum-seekers known as the "Pacific Solution." Under the Pacific Solution, the Australian government and its partners prevent anyone trying to enter Australian waters by boat, including anyone seeking asylum, from reaching the mainland. They do this by forcibly intercepting and transferring asylum seekers to one of Australia's offshore immigration detention facilities on the tiny Pacific island nation of Nauru, or on Manus Island, Papua New Guinea. The legal fiction underlying the policy is that because the asylum seekers never set foot on Australian soil, Australia can shirk the responsibilities it would otherwise have toward them under the U.N. Refugee Convention.

Australian government officials maintain de facto control over the offshore facilities: They pay for them, set the policies in operation there, and hire private contractors to run them. After the repeated efforts of whistleblowers to draw attention to the deeply ingrained violence and abuse in the facilities, there is no doubt that Australian officials know about the crimes being committed there. There is every indication that the creation of inhumane conditions at the detention facilities is central to Australian policy. And this is not the work of just one side of the political spectrum. Today the policy is executed by the center-right Liberal Party government, but the basic approach has been maintained across changes in government over the past decade. Moreover, the policy is consistent with Australia's long history of entrenched racism with respect to immigration. Its "White Australia" policy, which systematically excluded non-Europeans from immigrating Australia, was not officially dismantled until 1973.

Per the brief submitted to the ICC last week, one former detention center official has explained how the Australian government intentionally made conditions at the camps cruel and targeted children in an effort to deter potential asylum-seekers. Another former employee described the dehumanizing treatment at the centers as "exactly the point" of a policy that seeks to deter any prospective asylum-seeker from trying to reach Australia. Damningly, the Australian government has made every effort to hide the plight of those at the detention centers from public scrutiny. It has criminalized whistleblowing and limited asylum-seekers' access to judicial review.

Against this backdrop, it speaks to the tenacity of journalists and human rights lawyers that so much information about the conditions at these remote locations has come out. In March 2015, former U.N. Special Rapporteur Juan Méndez concluded that Australia had "violated the right of the asylum seekers, including children, to be free from torture or cruel, inhuman or degrading treatment." An October 2016 report by Amnesty International concluded that the Australian government's policy has been "explicitly designed to inflict incalculable damage on the hundreds of women, men and children on Nauru." And the

Guardian has published extensive reporting on the conditions on Nauru based on a cache of leaked documents written by staff there.

It is not by chance that Australia located its offshore facilities on Nauru and Manus Island. Both have long been sites of exploitation. Nauru in particular has long been vulnerable to external powers as the world's smallest republic at just 8 square miles. Originally a site of valuable phosphate rock, poorly run strip mining operations left the island a virtual wasteland, unsuitable for any productive activity. Today payments by Australia for the detention facilities serve as the country's most significant source of income.

In addition to violence and sexual abuse, in particular of children at the centers, the general conditions of life are inhumane. The brief to the ICC explains that on Manus Island, drinking water was restricted to 500 mL per day, in searing tropical temperatures where detainees have limited or no access to shade. A 24-year-old Iranian asylum-seeker died of septicemia following a minor blister on his skin, because of unsanitary conditions and inadequate care at the island's medical clinic. On Nauru, the brief explains, the detainees' sleeping facilities — tents housing up to 50 people each — are situated on a former phosphate mine with the associated dust generating chronic respiratory conditions, especially for children.

The ICC is a court of last resort, meaning it can only prosecute alleged crimes if the relevant domestic system is not doing so. The easiest way for Australia to avoid the ICC's scrutiny would be for it to pursue its own prosecutions. But in the face of repeated allegations about the conditions on Nauru and Manus Island, the Australian government has stubbornly refused to act. This is exactly the scenario for which the ICC was designed to account.

The ICC has been roundly criticized for spending its first 15 years of operation pursuing allegations of crimes committed in Africa, to the exclusion of other regions. Although this recently began to change with the prosecutor's decision to open an investigation into alleged crimes in Georgia, the court is still suffering from the perception of having an anti-Africa bias, and of being a tool wielded against the weakest members of the international system. Indeed, the African Union recently called for the withdrawal, en masse, of its member states from the court.

By opening an examination into the alleged crimes against humanity on Nauru and Manus Island, the court could demonstrate that it is willing to investigate serious crimes, even when the alleged perpetrators are from a relatively powerful Western nation. And at a time when Western nations are grappling with the largest refugee crisis since World War II, overlooking allegations coming out of Nauru and Manus Island would risk normalizing Australia's abuse of refugees, setting a disturbing precedent for the rest of the world. If the ICC does not at least investigate credible allegations of crimes against people who have fled the world's most dangerous places, then it seems fair to ask just what the point of the court is.

<http://foreignpolicy.com/2017/02/23/australias-refugee-policy-may-be-officially-a-crime-against-humanity/>

3. Think Trump's travel ban was bad? Peter Dutton may soon have the power to play God

Two bills before parliament would dramatically expand the power of the immigration minister while decreasing transparency and accountability

The Guardian
Elizabeth Colliver, Lauren Bull and Shawn Rajanayagam
Wednesday 1 March 2017 11.47 AEDT

The world reacted in horror as President Trump's executive order to limit travel from seven Muslim-majority nations saw families torn apart and citizens refused entry at US airports. US courts have blocked the order for now, yet Australia's immigration minister, Peter Dutton, seeks those very same draconian powers.

Two bills currently before federal parliament are an attempt to significantly expand Dutton's Trump-like powers. This expansion would increase his power, decrease government accountability and all but write out the courts' review powers. They would allow the immigration minister to play God; to make significant decisions that would affect the lives of vulnerable people, and to do so unchecked.

The first is the "visa ban bill", formally the Migration Legislation Amendment (Regional Processing Cohort) Bill 2016 – a proposed law that would prevent any adult taken to Nauru or Manus Island after 19 July 2013 from ever making a valid Australian visa application. It applies to asylum seekers intercepted at sea and taken to Nauru or Manus, including those currently in Australia for medical treatment.

The visa ban bill contravenes Australia's international human rights obligations. Refugee law experts, human rights advocates and even the Labor party, which reintroduced the use of detention centres on Nauru and Manus, argue the bill is inhumane, discriminatory and pointless. In a similar vein to Trump's executive order, this ban will separate families.

The only so-called safeguard is that the minister would have the power to overrule the visa ban in individual cases when he considers it is in "the public interest". Of course, a safeguard that relies on the whim of the decision-maker, with no independent oversight, is no safeguard at all.

The second bill, currently before the Senate, is the Migration Amendment (Visa Revalidation and Other Measures) Bill 2016. This bill allows the minister to personally issue a revalidation requirement for entire specified cohorts of visa holders, immediately preventing them from being able to enter Australia until their visa is revalidated. The power is not limited to any particular class of visa.

This power may be exercised on the basis of defined criteria, such as health checks, but may also be exercised when the minister considers it is in “the public interest” to do so. The unfettered, exceptionally broad power this gives the minister over any individual residing in Australia, who does not hold Australian citizenship, is alarming.

These bills allow just one person – the immigration minister – to make substantial and permanent decisions about another person’s life: whether a young woman will be sent back to the persecution from which she fled; whether a baby born in Australia to asylum seekers will be allowed to grow up with his or her parents; whether a person will have their visa cancelled without warning or opportunity to apply for its reinstatement.

The minister’s decision is virtually unreviewable unlike Trump’s executive order which, we have seen, the courts can interrogate.

Liberty Victoria’s Young Liberty for Law Reform has comprehensively reviewed the past 60 years of Australia’s immigration laws and found a troubling increase in decision-making powers that include “public interest” as a condition for the exercise of a non-reviewable, non-compellable ministerial discretion.

Public interest has been described by the courts as entirely discretionary and politically motivated. So, Dutton can decide whether to exercise his decision-making power and he defines what the public interest is. No checks. No balances. No accountability.

The government argues that ministerial discretion is necessary in migration matters, and that it is often used in compassionate cases. That does not mean that this power always achieves compassionate outcomes.

While increasing the minister’s powers, these two bills also sideline the checks and balances that keep our government accountable.

Powers of this kind have long been criticised. As far back as 1989 the then-immigration minister, Robert Ray, attempted to remove all ministerial discretion from the Migration Act, stating: “Decision-making guidelines are perceived to be obscure, arbitrarily changed and applied, and subject to day-to-day political intervention in individual cases.”

In 2004, a Senate inquiry into ministerial discretion in migration recommended that these powers should be “a last resort to deal with cases that are truly exceptional or unforeseeable.”

The committee found the minister’s ability to “micro-manage” the immigration system concerning, given it “creates the possibility and perception of corruption.” And in 2008 then-immigration minister Chris Evans stated he was uncomfortable with the unprecedented power given to the immigration minister because these powers lack transparency, accountability, appeal rights and allowed him to “play God.”

Discretionary ministerial powers were originally established to prevent injustice. They were a tool to fix anomalies, a safety net reserved for extraordinary cases, and a power to override the missteps of a blind bureaucracy.

These bills increase Dutton’s ability to make life or death decisions. They allow him to decide which families get to be together and which don’t. They do all of this while simultaneously eroding the safeguards that were designed to protect fair decision-making.

The minister must not be allowed to play God.

---->>>> *Elizabeth Colliver, Shawn Rajanayagam and Lauren Bull are members of Young Liberty for Law Reform, a project of Liberty Victoria.*

<https://www.theguardian.com/commentisfree/2017/mar/01/think-trumps-travel-ban-was-bad-peter-dutton-may-soon-have-the-power-to-play-god>

4. Centrelink: Labor asks police to investigate release of welfare recipient's data

Matter referred to police after Department of Human Services officials questioned on legality of releasing Andie Fox’s details

The Guardian
Christopher Knaus and Paul Farrell
Thursday 2 March 2017 17.55 AEDT

Labor has asked the Australian federal police to investigate the government's release of welfare recipients' private information.

Labor's Linda Burney took the step after senior Department of Human Services officials were questioned in Senate estimates over the legality of releasing the personal details of welfare recipient Andie Fox.

Social security law makes it a criminal offence to release protected information about welfare recipients, although it can be done lawfully in limited circumstances.

The referral relates specifically to disclosures by the office of the human services minister, Alan Tudge.

"I have not done this lightly," Burney said. "I do not play with people's lives but the minister's office, or the minister, has seen fit to ... somehow release private information and then try to justify it by relying sections of the Social Security Act.

"Well, let's test that."

Fox's personal Centrelink information was released after she publicly criticised Centrelink's handling of her debt.

To counter the accuracy of her claims, Fox's information was released to Fairfax Media journalist, Paul Malone.

Malone received two responses, one from the Department of Human Services and another from the minister, Alan Tudge.

Tudge's response included additional quotes and mistakenly attached two briefings, marked "for official use only", which contained additional details about Fox.

Tudge's office says every part of his response, including the attachments, was cleared by the department's legal teams for public release.

The department has similarly said that its response was cleared by its legal team for release to Malone.

The department has relied on a section of social security law that allows for disclosure for the purposes of "social security law".

The government says it interprets that as allowing it to release information to correct the public record and therefore maintain confidence and integrity in the welfare system. But Burney said she had sought her own legal advice, which raised questions about the lawfulness of disclosures in this way.

"I take very seriously the way in which ministers conduct themselves, and the way in which public officials conduct themselves," Burney said.

"To write to the federal police to seek an investigation of whether or not a very senior public official, that being the minister for human services, has acted legally.

"Now that surely is a reasonable question to ask."

Tudge issued a statement in response, saying the government took privacy seriously and complied with all its obligations under law.

But he said the government was able to release information to correct the record when a person makes a false accusations about the Department of Human Services.

"These provisions are important in order for our public institutions to be able to correct the record when false accusations are made about their conduct," Tudge said. "If unanswered, accusations of this kind may have the effect of diminishing public confidence in them.

"Ms Fox made false assertions about Centrelink in her column in the Fairfax media."

He said the information provided to Fairfax was done with the approval of the chief legal counsel of the department and was done to "correct Ms Fox's false assertions".

The AFP confirmed it received the referral from Burney's office. A spokesman said it would be evaluated in line with its normal procedures and said no further comment could be made.

<https://www.theguardian.com/australia-news/2017/mar/02/centrelink-labor-asks-police-to-investigate-release-of-welfare-recipients-data>

5. Australia's 'shocking' offshore immigration regime inspires play staged in Iran

Nazanin Sahamizadeh says she wants to bring production to Australia to help world hear 'the voices of refugees'

The Guardian

Ben Doherty

Wednesday 8 March 2017 13.55 AEDT

A Tehran playwright wants to bring her production, *Manus*, to Australia to help the outside world hear "the voices of refugees" held on the remote island.

Nazanin Sahamizadeh's play follows the lives of seven Iranian men who flee – by various means – from Iran, seeking protection and freedom, only to wind up in the offshore detention centre run by Australia on Papua New Guinea's Manus Island. The play centres around their time on the island and their struggle to cope with the violence, indignities and privation of their indefinite detention, and the uncertainty over their futures.

The seven-man production is in the middle of a two-month run at the Qashqai Hall of Tehran's City Theatre complex and Sahamizadeh hopes to soon take it further afield.

"I wish, firstly, to perform it in Australia and then in other places in the world, to allow people to hear the voices of refugees," she told the Guardian. "And I hope to create a movement towards closing Manus and Nauru camps as soon as possible and helping to free the refugees held there."

Sahamizadeh said few people in Iran were aware of Australia's offshore detention regime, despite Iranians being the largest cohort of detainees on both of Australia's offshore islands.

"There is no information about these camps at all in Iran and no news about the events and disasters that have been happened there," she said. "Maybe just a few people have heard a brief headline of news."

"I thought only Reza Barati had been killed by camp authorities but others have also died in the camps."

She said she had been stunned to learn of the detention centre on Manus – ruled "illegal and unconstitutional" by the supreme court more than 10 months ago – and that men had been held there for more than three years.

"It is so tragic and shocking," she said. "Because Australia is first-world country and a pretender [to uphold] human rights. But this behaviour with refugees and asylum seekers is completely against humanity."

The play deals with violence in the island camps and the deterioration of the protagonists' mental and physical health. But the show does not aim to preach, Sahamizadeh insisted.

"I've mostly tried to give audiences awareness and make them think, instead of giving them just message."

She said people brought, and left with, different attitudes towards the issue of irregular migration and of those who seek asylum.

"Some believe that refugees should not use illegal ways and government has right to deal with them but the majority are saying that these camps should be closed and government should not act like this."

She said the play, despite its controversial subject matter – Iran's theocratic regime is sensitive to the issue of its citizens fleeing to claim protection and refuses to accept failed asylum seekers forcibly returned to its territory – has not attracted the attention, nor opprobrium, of authorities.

"My play is a social show and not political and is for ordinary people and not authorities."

Hossein Babaahmadi, a former asylum seeker held on Manus who has since returned to Iran, spoke at a performance of the play, telling the audience he was still suffering from his time seeking asylum and in detention.

"Only those who been through this can imagine this journey ... every single moment of it was like death."

<https://www.theguardian.com/australia-news/2017/mar/08/australias-shocking-offshore-immigration-regime-inspires-play-staged-in-iran>

6. Thousands of asylum seekers given days to lodge complex applications or face loss of rights

Immigration department tells those on fast-track system they will lose welfare payments, Medicare access and even right to claim asylum if forms not completed

The Guardian

Ben Doherty

Monday 27 February 2017 11.13 AEDT

Thousands of asylum seekers on the so-called fast track for refugee determination have been told they will lose welfare payments, access to Medicare and even their right to claim asylum unless they submit complex applications for protection within days.

Letters sent by the immigration department this month, seen by Guardian Australia, variously give asylum seekers 60 days – or 30 or 14 days in subsequent letters – to lodge complete applications.

Thousands of asylum seekers have been sent the letters over the course of several weeks, placing more demand on already-stretched legal services.

About 24,000 people who arrived in Australia by boat between August 2012 and December 2013 are on the fast-track system for refugee assessment, which was introduced in December 2014. It strips key review rights from asylum seekers, and expands ministerial powers to prevent initial decisions being challenged.

Before it was introduced, 90% of asylum applicants were found to have valid protection claims. Under fast track that number has fallen to about 70%.

The system has been promoted by government as a mechanism to streamline the asylum protection system and deter its abuse, but critics have said it sets people up to fail.

Many asylum seekers on the fast track have spent years in Australia, prevented from applying for protection because of backlogs in the system.

But a statement placed on the department's website saying the bar had been lifted was followed by hundreds of letters being sent out, instructing asylum seekers they must submit complete applications within the shortened time limits or face sanctions, including the potential loss of any support payments, having their bridging visa cancelled and work rights revoked, losing access to Medicare or even having their right to claim asylum withdrawn.

"If you do not lodge an application within 30 days of the date of this letter, any status resolution support services payments you are receiving through the Department of Human Services may be ceased and you may lose access to financial hardship payment and other support services. Payments and services may only be restored if you lodge an application," one letter said.

"If you do not lodge an application within 30 days of the date of this letter we may not grant you another bridging visa. This will mean you may be an unlawful non-citizen. You will lose access to Medicare and permission to work in Australia. The minister has the power to revoke his decision allowing you to lodge a visa application."

The Department of Immigration and Border Protection refused to comment on the letters it had sent out.

Asylum seeker advocacy groups say they have been swamped with "deeply distressed" asylum seekers fearing they face detention or deportation if they do not complete their applications quickly and correctly. About 12,000 asylum seekers have not submitted an application. Many are on waiting lists for legal assistance of up to a year.

The chief executive of the Asylum Seeker Resource Centre, Kon Karapanagiotidis, said government funding of legal support for refugees and asylum seekers had been cut by 90%.

"Many of these people have been waiting four years to be invited by the government to lodge their asylum claims. When they are finally given the opportunity to do so, they are facing unfeasibly tight deadlines with life-changing implications if they do not get it right," Karapanagiotidis said.

"It is yet another attack on people seeking asylum who want nothing more than a fair chance to present their claims for asylum so they can begin to rebuild their lives in peace in our community."

Melinda Jackson, principal solicitor with the centre's human rights law program, said the process of applying for asylum was incredibly complicated – a 60-page document combined with a detailed statement of claim, all to be completed in English, sometimes people's third or fourth language.

Jackson said applications prepared with the assistance of a lawyer were much more likely to be approved, but that community legal services were already “at capacity”.

“Because of the fundamentally unfair fast-track process which severely limits people’s right to review any negative decision, the visa application process is our client’s one chance at being granted asylum. People fleeing harm deserve to be offered a realistic chance to rebuild their lives with their family here in our community.

“Community legal services are already operating at capacity. We need more lawyers right now who can support people through the process, but more than this we need the Australian government to restore funding for essential legal services.”

Under the fast-track system, no additional information may be added to an asylum claim once it is submitted, even if a person’s circumstances change. A change in an applicant’s claim can be taken to impact upon their “credibility” in assessment, and be cause for their claim to be dismissed.

In one case detailed to Guardian Australia, an Iranian asylum seeker was unable to add the information that an arrest warrant had been issued for him in Iran.

Previously, asylum seekers who could tell the department they were on a waiting list to receive legal advice on their asylum claim were given an extension of time to apply. It is understood that reason is no longer being accepted.

In establishing the fast-track system, the immigration department said it was necessary to “deter abuse of the review system through the late presentation of claims that could reasonably have been presented earlier” and “deliver the consistent message that it is extremely important to provide sufficient evidence and information to establish protection claims up front”.

Australia’s system was inspired by the UK’s Detained Fast-Track system, which was established to counter alleged abuses of the asylum system. The UK high court and court of appeal both ruled the system was “structurally unfair and unjust”.

Expedited assessment processes in the US have been found to lead to more claims being appealed to superior courts, resulting in increased costs and decreased efficiency.

In February, the Italian government created 14 fast-track asylum appeal courts in a bid to speed up decisions on deporting migrants ruled to have no valid claim for protection. The courts were approved by cabinet, and have come into force, but must be approved by parliament within two months.

<https://www.theguardian.com/australia-news/2017/feb/27/thousands-of-asylum-seekers-given-days-to-lodge-complex-applications-or-face-loss-of-rights>

7. 'This is breaking people': visa deadline stress strains asylum services

Refugee advocates say volunteers are pouring in to help asylum seekers living in Australia who have been told to finalise applications within days or weeks

The Guardian
Ben Doherty
Thursday 9 March 2017 10.15 AEDT

Thousands of lawyers, paralegals and interpreters across Australia have responded to new deadlines imposed upon asylum seekers to apply for protection, volunteering their time and expertise to help people at risk of being left destitute or deported.

Refugee advocacy organisations say asylum seekers are coming to their doors suicidal, and “broken” by the new demands.

At Melbourne’s Asylum Seeker Resource Centre alone, volunteer lawyers, paralegals and interpreters worked 26 hours at the weekend to lodge applications for asylum seekers facing looming cut-off dates. Volunteers at Sydney’s Refugee Advice and Casework Service have been working 18-hour shifts while Australia’s legal fraternity has volunteered hundreds of hours of pro bono assistance.

About 25,000 asylum seekers are living in Australia on bridging visas as their claims for protection are processed, more than 10 times the number of people held on offshore detention islands.

In an effort to move those people through the sclerotic “fast-track” process, the department of immigration has sent out hundreds of letters demanding applications – complex 60-page forms that must be completed in English – be finalised within 60 or 30 or 14 days.

Those who fail to meet the deadline risk losing any welfare payments, the right to work, the right to healthcare or even the right to ever apply for asylum.

Most of those issued with application deadlines have been in Australia between four and five years but have been invited to apply for protection only in recent months. The vast majority are on waiting lists for legal services – which stretch more than a year in most cases – to assist them with completing applications.

The Asylum Seeker Resource Centre's chief executive, Kon Karapanagiotidis, said the impact of the impending deadlines, and the threat of being left destitute or having a protection claim rejected, had caused immense suffering within asylum seeker communities, not only among those who had received letters but those who fear they might be targeted next.

"This has just been catastrophic for the asylum seekers caught up in this. Where once we had to call our critical assessment and treatment team once or twice a week to respond to someone threatening or committing self-harm or suicide, it's five times a day now. This is breaking people."

Under the fast-track system, asylum applicants can't introduce new evidence as their case progresses, even if there are new occurrences of continued persecution in their homeland.

Lawyers say applicants for protection get "one shot" at their claim, and that if all of their information is not disclosed in the initial application, they won't be considered or believed, leaving people vulnerable to being sent back to persecution in their homelands.

The application forms are long and complex, particularly for people who don't speak English as a first language. They typically take, even with the assistance of a lawyer, eight to 10 hours to complete.

Karapanagiotidis said the staff and volunteers who had worked overtime to help complete applications had been affected, too. "This has caused a huge level of distress for our volunteers as well, seeing so many people who are just being crushed by this system. It is a system set up to fail people, and to break them along the way."

He said the current cohort of application demands would be dwarfed by the welter of applications legal advocacy groups were expecting over coming months. But he said as the size of the looming demand became apparent, more and more people had contacted his organisation offering donations of goods, services and their time.

"The most brutal the system becomes, the more people respond and say, 'How can I help?'"

At Sydney's Refugee Advice and Casework Service, the only New South Wales organisation offering legal assistance to asylum seekers, the chief executive, Tanya Jackson-Vaughan, said asylum seekers were being sent into a "sheer panic" by the letters.

"We have student volunteers answering telephones and they are dealing with incredibly distressed people, who are suicidal, who are angry, and who are yelling. It's extraordinarily traumatic for them.

"We have people working 18 hours straight, just to help more people complete their applications. We have people from the community giving up their weekends to help interpret or assist however they can."

Australia's legal fraternity has offered hundreds of hours of pro bono assistance, ethnic groups and community members have rung refugee organisations offering what help they can. "The offers of help have been extraordinary, people coming together and just saying, 'What can we do?'" Jackson-Vaughan said.

A spokesman for the immigration minister, Peter Dutton, said the letters were an effort to resolve outstanding asylum claims. "Labor's border protection failures which resulted in 50,000 illegal maritime arrivals (IMA) in Australia left a legacy of 30,000 IMAs whose claims for protection had not been progressed," the spokesman said.

"All IMAs in this legacy caseload have been invited to apply for temporary protection visas or safe haven enterprise visas. It is their opportunity to present their claims for protection and resolve their immigration status in Australia.

"Letters are being sent to IMAs who have not made an application for either a TPV (temporary protection visa) or SHEV (safe haven enterprise visas). Failure to apply may affect some of the support services they receive."

Senior sources have told the Guardian there is recognition within the department it cannot process the volume of applications it has demanded of asylum seekers but that there is political pressure to be seen to clearing the "legacy caseload" of thousands of asylum seekers whose protection claims remain unresolved.

About 24,000 people who arrived in Australia by boat between August 2012 and December 2013 are on the fast-track system for refugee assessment, which was introduced in December 2014. It strips key review rights from asylum seekers and expands ministerial powers to prevent initial decisions being challenged.

Before it was introduced, 90% of asylum applicants were found to have valid protection claims. Under fast track that number has fallen to about 70%.

The system has been promoted by the government as a mechanism to streamline the asylum protection system and deter its abuse, but critics have said it sets people up to fail.

Most asylum seekers on the fast track have spent years in Australia prevented from applying for protection because of backlogs in the system.

<https://www.theguardian.com/australia-news/2017/mar/09/this-is-breaking-people-visa-deadline-stress-strains-asylum-services>

8. Slow track to dawn: Asylum seekers submit their futures on an excruciating process

Canberra Times
March 10 2017 - 11:35PM
Michael Gordon

Nasir* waited almost five years for the chance to state his case for being given refugee status and protection in Australia. Then he had just a single day to nail it.

If the 29-year-old Rohingya felt the pressure as he sat across the desk from a lawyer two years his junior in a Collingwood office on a sunny autumn day this week, it did not show.'

Over more than four hours, Nasir told his story of persecution: the harassment by local Buddhists and the military; the random violence; the denial of the most basic rights (like being forced to leave school after two years); the forced (and unpaid) labour.

His voice was soft and his answers short, as if detachment was a mechanism of self-protection. When he described being bashed and imprisoned for getting married without the authorities' permission, it is almost as if he is talking about someone else.

Then he was questioned about his time in transit in Malaysia, where he was able to obtain an identity card from the United Nations refugee agency, but could only work illegally, under the threat of arrest or extortion.

Finally, he was asked about the decision to pay a smuggler and the journey to Christmas Island on a leaky boat.

In between, he spoke about the nightmares that invariably involve someone coming after him with a gun, or after the family that remains in Myanmar. "I saw a lot of different things in the nightmares," he said.

As Nasir's words were interpreted, David Burke, whose day job is in insurance litigation at Lander & Rogers, one of Melbourne's leading commercial law firms, took the notes that he would draw on to prepare Nasir's statement seeking protection.

Burke also went over the answers Nasir had given one of hundreds of volunteer paralegals, who had helped him fill out forms requiring detailed answers to more than 100 questions, including every address he has had for the past 30 years.

When Nasir left Refugee Legal, some seven hours after he arrived, he had a copy of the full set of documents that would make up his application, and the satisfaction that, finally, he had been able to present his case.

Like Nasir, Burke had no illusions about the importance of this day. "You are sitting across the desk from somebody and you know that this is their one opportunity to tell their story and to get it right - and that their future hangs in the balance," he says.

The same goes for other corporate lawyers from 12 firms, who leave their offices in the city each Tuesday to work pro bono at this clinic, preparing applications for a group of asylum seekers who are known as the "legacy caseload".

They number 30,000 and the vast majority of them are subject to a new process the Coalition government says was designed to deal more efficiently and effectively with the mess it says Labor created.

It is called the Fast Track Assessment process but, in reality, it is anything but, with the department taking an average of 247 days to process each application (the average for those not subject to the fast track system is 308 days).

Only in the past 18 months have those in the legacy caseload progressively been given ministerial permission to lodge their protection applications.

The number involved and the complexity of that task has meant the non-profit agencies offering free legal assistance have had to prioritise the most urgent cases and find innovative ways to tackle the backlog.

At Refugee Legal (formerly the Refugee and Immigration Legal Centre), this has meant re-instituting clinics that operated in 2002 to assist those who had temporary protection visas apply for permanent residency.

The difference this time is that the clinics rely much more heavily on corporate lawyers like Burke giving up a day of their billable time during the week and often volunteering on the weekend.

In recent weeks almost 900 in the legacy group, including Nasir, have received letters telling them their applications must be lodged with 60 days.

"If you do not lodge an application within 60 days of the date of this letter we may not grant you another bridging visa," they have been told. "This will mean you will be an unlawful non-citizen. You will lose access to Medicare and permission to work in Australia."

The letter also tells them the minister, Peter Dutton, has the power to revoke his permission for them to lodge a visa application, and that this may happen if they fail to meet the deadline.

They can apply for an extension if they have a good reason, but the letter concludes with a statement that amounts to a threat: fail to apply for a temporary protection visa or safe haven enterprise visa and "you are not considered an asylum seeker and are expected to leave Australia".

At a Senate committee hearing last week, department secretary Michael Pezzullo, appeared surprised the letters were causing alarm and anxiety, saying they had only been sent to those who were given the go ahead to apply for protection more than 11 months ago. He also scoffed at the idea that lawyers were needed to help asylum seekers lodge their applications.

"What we are seeking is a very plain statement," Pezzullo told Greens senator Nick McKim.

"I do not think the forms are excessively legalistic or complicated. Step one of the process is, tell us who you are, and what is the basis upon which you have come to our country seeking our protection. I am not sure that you need a lot of lawyers to assist with that."

To those being asked to complete their applications under the threat of sanctions, the secretary said: "We just want to know who you are, why you are in our country and what it is that you are fearful of. We need to know so that we can start to assess your protection claims."

The problem with Pezzullo's assurances is they are at odds with both the requirements of the Fast Track Assessment process and the experience of many who have been subjected to it.

"Under the Fast Track Assessment process, it is extremely important to give us your protection claims early and in full," the department's own fact sheet says.

The advice tells asylum seekers to include all relevant information in their application and warns there will only be a limited form of review of negative decisions, with no access to an independent tribunal and no capacity to put new information unless there are "exceptional circumstances".

This has alarmed officials from the United Nations refugee agency, the UNHCR, who argue that being able to articulate "exceptional circumstances" is beyond many asylum seekers, especially those who are illiterate, traumatised, non-English speaking and unrepresented.

The agency is also concerned that many asylum seekers are not eligible to have negative decisions reviewed, including those who have had previous claims rejected or presented bogus documents when they arrived.

The agency says this fails to take account of changed circumstances that may have arisen, or the varying quality of decision making in different jurisdictions. "Asylum seekers are often compelled to have recourse to false or fraudulent documentation when leaving a country, or to dispose of their identity documentation," it says.

Charlie Powles says the need for asylum seekers to be given help to get their application right at the outset is one of the main reasons he returned to Refugee Legal after five-years on the Refugee Review Tribunal (now the Administrative Appeals Tribunal).

"There is no one in this building who wants anything other than a thorough and rigorous assessment process. In fact, the clients have wanted to participate in a rigorous assessment process for years," he says.

Australia's border protection regime under John Howard was described as the harshest in the developed world because the detention system was mandatory, indefinite and non-reviewable, but lawyers and advocates say the current system is more punitive in several respects.

Under the Pacific Solution, boat arrivals who were found to be refugees could apply for permanent protection when their temporary visas expired; they were processed more promptly; and assisted by taxpayer-funded legal services.

Now, those on Nauru and Manus have been told they will never be resettled in Australia; those in the legacy caseload face huge hurdles to permanency; only those considered "exceptionally vulnerable" are afforded free legal assistance; and delays in processing claims are much, much longer.

While the department asserts that asylum seekers have the chance to clarify information when they are interviewed by an immigration officer after submitting their application, lawyers say this is problematic for many asylum seekers.

"I think the department is underestimating what is being asked of these people," says lawyer Clare Brennan. "They are being asked to share their story with someone they will only see once and, if it is someone in authority and they come from countries where they have never trusted authority, that brings added pressure."

Now, without warning, that pressure has increased dramatically with the department's decision to send threatening letters to those who have not submitted applications for visas.

While the goal of clearing the backlog is strongly supported, Refugee Legal's executive director David Manne says he is puzzled by the department's approach. "There is a finite number of people who came to this country seeking protection, there is an application process, they want to use it and the delays have not been their fault."

The solution, he says, is for the government to work with the sector to ensure that people are given the help they need to make applications so that fair decisions can be reached. "Forcing people to apply under these time frames denies them the right to get essential legal help - and the most obvious consequence of that is the real possibility of people not being able to make proper application, not getting a fair hearing and being deported to death or torture," he says.

Sutha*, a single Tamil woman who fled Sri Lanka who arrived in 2012 after fleeing Sri Lanka's civil war, says she received her letter before Christmas and immediately suffered panic attacks and flashbacks of past traumas.

"I came from a war-torn place and I was very frightened, shaken up when the letter came. I was thinking, if I can't lodge my application, if I am forced to go back, what will happen to me?" she tells Fairfax Media.

"Fortunately, through God's grace I got a good lawyer and he helped me to submit the application before the deadline. I was very happy. But I wonder how it affected other refugees like me, those who can't have such divine help from legal firms. What will happen to them?"

* The names have been changed to protect the privacy of asylum seekers.

<http://www.canberratimes.com.au/federal-politics/political-news/slow-track-to-dawn-asylum-seekers-submit-their-futures-on-an-excruciating-process-20170309-guv1q8.html>

9. What will happen to refugees who won't be resettled in the US?

ABC News Online

By Papua New Guinea correspondent Eric Tlozek

Friday March 10, 2017

I can tell you what the Australian Government is going to do about the refugees on Manus Island who won't be resettled in the United States. Nothing. There are potentially hundreds of men on Manus Island who could — if the figure of 1,250 refugees to be taken by the United States is correct — be left behind. Parliamentary Library figures show there are at least 1,616 refugees on the two islands — 941 on Nauru and 675 on Manus.

The US Government has said it is assessing them for resettlement on the basis of vulnerability, which suggests the women and children on Nauru will take priority over the all-male population of the Manus Island centre. That could mean hundreds of refugees will remain on Manus Island. Their only option to leave Manus is resettlement elsewhere in Papua New Guinea — something most have steadfastly resisted.

The PNG Government wants to know what plans Australia has for those men, given it wants to close the centre by the end of October. Planning Minister Charles Abel outlined PNG's concerns after the annual ministerial forum between PNG and Australia this week. "Some [of the men] are caught in the middle and that's the difficult piece that needs to be addressed in this short time frame," he said. "What happens to those people that don't want to settle here and are unable to return home for some reason? That's an issue that both parties have to resolve."

Immigration Minister Peter Dutton came to PNG for the forum but declined an interview with the ABC. He told me off-camera he had nothing new to say and there was no change to Australia's position — essentially that PNG signed the Refugee Resettlement Agreement with the Rudd government in 2013 and is now responsible for those men. This would have been unwelcome news for PNG immigration officials, who came to the forum hoping for help from Australia.

The PNG Government has found resettling the refugees to be a difficult, if not impossible, task. The number of refugees working and living in the PNG community — those who are considered "resettled" — fluctuates, but is usually less than two dozen. Many find it too hard, or too dangerous, to live in PNG and return to Manus Island.

The ongoing presence of the men on the island, where most people still live fairly traditional lives, is causing an increasing amount of conflict and social problems.

Police have begun arresting more asylum seekers and refugees, while community representatives have been complaining about the behaviour of the men who leave the centre under the current day release arrangement.

The refugees say it has become more dangerous for them to be on the island in recent months. Without a dramatic improvement in the resettlement program and to the living conditions in PNG, the prospects for any men not taken to the US are bleak. Australia's response at the ministerial forum suggests that might just be considered tough luck, and something that is entirely PNG's problem.

<http://www.abc.net.au/news/2017-03-10/manus-island-what-will-happen-refugees-not-resettled-in-us/8344610>

10. Detention abuse inquiry did not interview children so as to not 'traumatise them further'

Royal commission hears government inquiry did not have more than incidental conversations with children on visits

The Guardian
Christopher Knaus
Monday 6 March 2017 13.55 AEDT

A government-commissioned inquiry into child abuse in immigration detention did not speak to children because it did not want to "alarm or traumatise them further", the royal commission has heard.

The royal commission into institutional responses to child sexual abuse is examining how the federal government handles complaints of abuse in immigration detention, including through its response to the damning Making Children Safer report.

That report, written by an independent child protection panel, found the response to almost half the reported incidents of child abuse in Australian immigration detention was inadequate.

The panel criticised poor incident reporting and the department's lack of capacity to investigate child abuse complaints, and called for better risk management measures, improved information sharing and a stronger child protection framework.

One of the panel's members, Margaret Allison, told the royal commission on Monday that no children were spoken to during the inquiry, aside from incidental conversations during centre visits.

Allison, a former director-general of Queensland's community services department, said that was because the incidents dated back to 2008, and children's memories would have been poor.

Speaking to children might have retraumatised them, she said.

Counsel assisting, Gail Furness SC, asked why the panel had not spoken to children currently in detention about whether they felt protected.

Allison replied: "I think that again we came to the view that we didn't want to engage with those children directly or alarm or traumatise them further."

Earlier, she was asked whether the panel had cooperation from the department and contractors responsible for managing the detention centres.

Allison said staff within the department were initially slow to respond to requests for information, which contrasted with the position of the department's leadership.

"I think it's fair to say that early on there was a sense that – although the secretary and commissioner had issued an instruction early on ... I think it's fair to say that there was a lot going on at the time, and we were of the view that there was a certain lack of urgency in some quarters in responding," she said.

"So we sought, and the secretary agreed that he and the commissioner would put out a fairly explicit directive to people requiring them to comply with any requests we had for information."

The royal commission's inquiry is limited in scope, but follows a number of other inquiries into the welfare of children in Australia's immigration detention network.

The Human Rights Commission examined the impact of prolonged detention on children through its report, *The Forgotten Children*, in 2014.

The explosive Moss Review, which examined the Nauru processing centre, also examined claims of physical and sexual assault against children. The Moss review, released in 2015, prompted the Department of Immigration and Border Protection to set up the independent child protection panel, which reviewed incidents of abuse, neglect and exploitation involving children, and reported in May last year.

On Monday the immigration department secretary, Michael Pezzullo, said it became clear that a “no-holds-barred” approach to the issue was needed.

“We wanted a very clean, fresh look at it from someone accomplished in public administration, another person in law enforcement, another person in child welfare,” Pezzullo said.

“We said to [the child protection panel] very directly that it would not do their reputation any good and would not do our responsibilities – would not provide any benefit to our responsibilities, if they pulled their punches.”

The panel was initially given six months to report. Furness said that short amount of time appeared “extraordinary”, given the panel’s remit. Allison agreed, but said the federal government gave the panel two extensions to complete its work.

“Yes, at that stage I think it’s fair to say that we didn’t know the number of cases that we would be looking at,” she said. “It became evident early on that we would need to use a sampling methodology.”

The panel examined 214 incidents in community detention, regional processing centres and other places of detention.

Allison was unable to say how many serious sexual assaults the panel believed had occurred.

“It would be very difficult for me to say that with any accuracy,” she said. “However, I recall at the time my impression was that it was not remarkably dissimilar to what you would expect in child abuse statistics nationally anyway, and on the latest [Australian Institute of Family Studies] data ... that I looked at, sexual abuse cases represent about one eighth of all reported child abuse matters.

“And I wouldn’t think it would be too far out of kilter with that.”

Pezzullo said that, currently, only one child remained in held detention, compared to 1,192 at the peak of arrivals.

As at January 31, there were 234 children in community detention.

Royal commission chair, Peter McClellan, asked Pezzullo why the panel’s report had only been released in mid-December last year, when it was finalised in May.

Pezzullo said he was “keen to ensure that we had substantial work in progress”.

McClellan responded:

“Why couldn’t you have just released the report and shown later what you were doing in response to it? that’s a fairly common way of doing things.”

Pezzullo said:

“Your honour, I would agree. On this occasion I chose partly in conferral with the minister and partly in terms of my own decision making and conferring with the border force commissioner, that we would prefer to go down this path.”

In August, Guardian Australia published the Nauru files, a cache of more than 2,000 incident reports, half of which involved children. They detailed assaults, sexual abuse, self-harm attempts, child abuse and living conditions in immigration detention.

The revelations prompted a Senate inquiry, which is examining the factors that led to abuse, how it is investigated and the handling of complaints by the department and its contractors.

The royal commission’s hearing continues.

<https://www.theguardian.com/australia-news/2017/mar/06/nauru-abuse-inquiry-did-not-interview-children-so-as-to-not-traumatise-them-further>

11. Abuse panel did not interview victims, Royal Commission hears

Sydney Morning Herald
March 7 2017 - 11:19AM
Rachel Browne

An independent expert panel contracted by the Federal government to examine allegations of abuse, neglect and exploitation in immigration detention failed to interview any victims, a royal commission has heard.

The three member Child Protection Panel was convened in 2015 in the wake of two inquiries which raised serious allegations about abuse in detention in Australia and offshore.

Panelist Margaret Allison told the Royal Commission into Institutional Responses to Child Sexual Abuse none of the members had recent experience in interviewing children.

"We didn't talk to any children, except incidentally, as we walked through detention centres," said the former senior bureaucrat in Queensland's child protection department.

Ms Allison, former chief executive of the Australian Crime Commission John Lawler and former senior Commonwealth public servant Dominic Downie were charged with analysing 214 of the "most serious" alleged incidents involving children in detention between 2008 and 2015.

Ms Allison told the commission the panel was concerned interviewing children might re-traumatise them.

"Some of those incidents would be a long time ago for children and I doubt that some of them would have recollection of things that would have happened when they were very young," she said.

"For those who did have a memory of things that might have happened to them we were concerned about adding further trauma.

"Also, given the volume of our work, it was fairly clear . . . it would need to be, by and large, a desktop review."

The panel examined alleged incidents of sexual and physical abuse, neglect and exploitation involving children. The commission heard sexual abuse was involved in about one-quarter of cases in detention centres in Australia and about one-third of cases in community detention and in the regional processing centre in Nauru however Ms Allison said the figures needed to be treated with caution.

"Probably the community detention one was the most concerning," she said.

"There were matters involving actual sexual assault, grooming and high risk of sexual assault."

Ms Allison told the commission organisations contracted by the Federal government to support asylum seekers in the community were inadequate.

"The existing service infrastructure for community detention was struggling a bit to deal with the challenges of providing services to children and families," she said.

The Child Protection Panel finished its report last May but it was not released until December 16 with immigration boss Michael Pezzullo telling the commission that its release was delayed while a safeguarding framework was determined.

There are about 240 children in immigration detention in Australia, with the majority in community detention. On Nauru, there are 45 children in the regional processing centre and 130 living in the community on protection visas.

Mr Pezzullo told the commission ensuring the protection of children was one of his "highest priorities".

The royal commission is holding a four-day hearing into child sexual abuse involving government institutions, including the Department of Immigration and Border Protection, the Australian Defence Force as well as state and territory justice and community services departments.

Australian Defence Force vice chief Raymond Griggs told the hearing the cadet organisation had been reformed in the wake of testimony about sex abuse presented at the commission last year.

The hearing, before Justice Peter McClellan, continues.

<http://www.smh.com.au/national/abuse-panel-did-not-interview-victims-royal-commission-hears-20170305-gurbly.html>

12. Royal Commission: Peter Dutton involved in delaying release of child detainee safety report

ABC News Online
By Michelle Brown
Monday March 6, 2017

Immigration Minister Peter Dutton was involved in delaying the public release of a Making Children Safer report, about the safety of child detainees, the child sex abuse royal commission hears.

The report reviewed 242 alleged incidents of abuse and found that only half of those matters received an adequate response.

The independent panel behind the report handed it to the Mr Dutton in May last year, but it was not made public until December.

Counsel Assisting Gail Furness QC asked the Secretary of the Department, Michael Pezzullo, why there was a six-month delay in publication.

Michael Pezzullo said: "I was very keen to ensure that both the report, the safeguarding framework and our general action plan ... all went out comprehensively."

Commissioner Peter McLellan then pressed the point.

"Why couldn't you have just released the report and then shown later what you were doing in response to it — that's a fairly common way of doing things?"

Mr Pezzullo replied: "On this occasion I chose to, partly ... in conferral with the Minister and partly in terms of my own decision making and conferring with the Border Force Commissioner, that we would prefer to go down this path."

Department Secretary 'inclined' to publicly release next report

The panel will be reviewing the measures the department is taking to improve the protection of child detainees in detention facilities and those living in the community.

Mr Pezzullo was asked whether there would be a delay in the release of that report.

"I would brief the Minister on it, we would discuss its handling and release thereafter, but my inclination would be to release that as well," Mr Pezzullo said.

He did not say how soon after receiving the panel's review it would be made public.

The Royal Commission into Institutional Responses to Child Sexual Abuse is examining the current policies and procedures of Commonwealth, State and Territory governments in relation to child protection and safety standards, including their response to allegations of sexual abuse.

Earlier the inquiry heard there are 175 child detainees on Nauru, and that all are now living with their parents.

One-hundred-and-thirty have been granted residence by the Government of Nauru under 20 year protection visas.

Forty-five are living in the island's immigration detention centre, but are free to come and go at will.

The Minister's office has been contacted for comment.

<http://www.abc.net.au/news/2017-03-06/immigration-minister-helped-delay-release-of-child-safety-report/8327654>

13. Abuse royal commission urged to take a closer look at asylum seeker children

Lawyers and advocates say Monday's limited hearing failed to properly investigate immigration detention and more is needed

The Guardian
Christopher Knaus
Tuesday 7 March 2017 15.51 AEDT

Lawyers and asylum seeker advocates say the child abuse royal commission has failed to properly investigate immigration detention.

The royal commission into institutional responses to child sexual abuse examined immigration detention, including offshore detention, in a limited fashion on Monday.

It spent several hours hearing from an independent expert who investigated child protection in immigration detention, Margaret Allison, and two senior departmental figures, secretary Michael Pezzullo, and first assistant secretary Cheryl-Anne Moy.

The royal commission has not spoken with survivors or other children, and Monday's hearing focused largely on the work of the government-commissioned child protection panel, which produced the Making Children Safer report last year.

The Asylum Seeker Advocacy Group said it feared the commission was taking a two-tier approach to child abuse, which denied a voice to asylum seekers.

The group's statement was supported by eminent child psychiatrist, Michael Dudley, who said it was essential that the rights of all children were recognised, and that they were assured protection and freedom from harm.

"In no way, should immigration institutions be less responsible for child protection than other mandated institutions," Dudley said.

A spokeswoman for the royal commission said its final report would include a "comprehensive discussion" of its work on immigration detention.

The royal commission has ordered the department and its contractors to produce documents on allegations of child sexual abuse in immigration detention. It has also considered previous reports and inquiries into the protection of children in immigration detention.

"The final report of the royal commission will include a comprehensive discussion of the work that the royal commission has completed in this area," the spokeswoman said.

The Australian Lawyers Alliance made a submission to the royal commission earlier this month, urging it not to avoid scrutiny of offshore detention due to international borders.

The group said "persuasive legal arguments" supported the royal commission's ability to investigate offshore detention.

The alliance is also concerned that the commission's terms of reference are too narrow, and that Monday's hearing was inadequate.

Its submission warned that the immigration department's response to child sexual abuse had not gone far enough, and that the environment in offshore detention centres allowed "the risk of [child sexual abuse] to persist at unacceptable levels".

"This royal commission has presented a comprehensive picture of institutional responses to [child sexual abuse] across Australia," the alliance's submission said.

"This picture will not be complete without an investigation of the Commonwealth's response to [child sexual abuse] in immigration detention facilities," the submission said.

"In offshore immigration detention, the need for investigation is urgent. Asylum seekers and refugees detained offshore lack access to mechanisms that are available in Australia to protect children from abuse and report any abuse that has occurred."

Psychiatrist and expert on the impacts of abuse Louise Newman said detention was likely to leave many children with long-term psychological and emotional problems. Newman added her name to the statement issued by the Asylum Seeker Advocacy Group.

"This is devastating for parents and children, and is a shameful situation, equivalent to the abuse of children in other forms of state and organised care. All children are damaged by abuse and all systems are responsible for their protection," she said.

<https://www.theguardian.com/australia-news/2017/mar/07/abuse-royal-commission-urged-to-take-a-closer-look-at-asylum-seeker-children>

13. Australian Border Force conducting unlawful searches due to poor training, says auditor

Report finds 29% of airport searches unlawful because one or more officers not authorised to conduct the search

The Guardian

Ben Doherty

Tuesday 28 February 2017 10.19 AEDT

Australian Border Force officers are conducting unlawful searches at airports and of people's homes because many of its officers are not properly trained, the government's auditor has found.

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

The auditor found examples where Border Force officers illegally searched houses without a warrant and detained people. In one example highlighted by the auditor, in June 2016 three "unlawful non-citizens" were detained following a search of a house by 10 Border Force officers for which they had no authority.

Many of the breaches resulted from failures of training or record-keeping, or other bureaucratic oversights.

"Some personal searches of passengers at international airports examined by the ANAO were unlawful or inappropriate, indicating weaknesses in the control framework," the auditor said. "A number of searches of premises under the Migration Act potentially exceeded the authority of the warrant which authorised them, and officers routinely questioned people without documenting their legal authority to do so."

In February 2016 a Border Force board meeting noted that "training was needed in relation to the powers of officers as this was currently an area of huge legal risk".

Border Force internal reviews found there was little training for officers in the "use of force" during operations and most officers delegated the power to issue search warrants had not been properly trained.

In response to the auditor's report, Border Force said it "agrees primarily" with the report's recommendations.

"The department notes the report's conclusions that the ANAO found instances of potentially unlawful searches ... the department contends these instances are in the category [of] inadvertent and administrative breaches rather than deliberate and intentional breaches," it said.

"Notwithstanding, the department is conducting a detailed review to verify whether the searches were conducted lawfully/appropriately, identify and address any control weaknesses and, if recommended by the review, will take necessary remedial actions."

<https://www.theguardian.com/australia-news/2017/feb/28/australian-border-force-conducting-illegal-searches-due-to-poor-training-says-auditor>

14. Turnbull government quietly planning massive new Department of Homeland Security

Canberra Times

March 7 2017 - 12:27AM

Peter Hartcher

Prime Minister Malcolm Turnbull is considering a proposal for a major restructuring of the federal government that would create a US-style Department of Homeland Security.

The stated aim of the plan is to improve co-ordination across the government in preventing terrorist attacks. It would merge at least half a dozen relevant federal agencies from two departments into a mega-department.

The enlarged department would be built on the existing Department of Immigration and Border Protection, which already includes the Australian Border Force.

The putative minister for homeland security would be the current Immigration Minister, Peter Dutton. Mr Dutton, the most senior conservative in the Turnbull cabinet, is understood to strongly favour the reorganisation.

The relocated agencies would be stripped out of the Attorney-General's department. It would be reduced to a legal advisory office, losing all its operational agencies including the Australian Federal Police and the domestic spy body ASIO (Australian Security Intelligence Organisation).

But the proposal is hotly contested within the uppermost ranks of the government. Ministers and officials complain that it's unnecessary, potentially counterproductive and based on an ambition for "empire-building" by the plan's architect, Secretary of the Immigration Department, Mike Pezzullo, and Mr Dutton.

Former prime ministers Kevin Rudd and Tony Abbott considered the same or similar reorganisation but rejected it because, according to a former top official involved in the process, it was "too hard".

There is a widespread expectation among ministers and senior officials that Mr Turnbull will remove the Attorney-General, George Brandis, from his cabinet by mid-year.

Senator Brandis' sacking would be the trigger for the reorganisation. The Attorney-General is staunchly opposed to being moved on, and, together with other ministers, is understood to be strongly opposed to the proposed restructuring.

Mr Turnbull has been keeping his intentions closely guarded. He has held only very limited discussions with ministers on the proposal. Some ministers have heard word of the plan only through their civil service officials.

Remarkably for such a major change, no written proposal has been circulated within the government.

"Because," an official said, "it would have to be put together by the very bureaucracy determined to strangle this idea at birth".

A minister said: "It doesn't have the support of any agency other than Pezzullo at Immigration, and Roman Quaedyvlieg," the commissioner of the Australian Border Force, which absorbed the Customs Department under an initiative of Mr Pezzullo.

"The people who militarised Customs are now trying to take over the entire national security system," said the minister.

The US merged 22 agencies to create the Department of Homeland after the September 11, 2001 terror attacks exposed a deep problem of poor co-operation between agencies.

A Canberra official said that Australia suffers a similar problem: "There are data jealousies between agencies, data gaps, a lack of full data sharing.

"Cooperation at the moment is ad hoc, episodic and personalised. The only thing that keeps the system functional is personal relationships."

This would all come out in the event that Australia suffered a mass terrorist attack, he said.

The creation of the American department improved information sharing, but the department's Inspector-General, John Roth, reported last month that full co-operation remained elusive.

"Lack of coordination and unity occurs in all aspects of DHS' programs," he said.

<http://www.canberratimes.com.au/federal-politics/political-news/turnbull-government-quietly-planning-massive-new-department-of-homeland-security-20170306-gurnpc>

15. Peter Dutton talks up 'homeland security' agency, including Asio and federal police

Australia's immigration minister says mega-department would break down intelligence silos but it's opposed by attorney general George Brandis

The Guardian
Paul Karp
Thursday 9 March 2017 12.37 AEDT

The immigration minister, Peter Dutton, has talked up the prospect of a mega homeland security department, backing the rationale that it could "break down silos" in intelligence-sharing.

Dutton made the comments about the mooted department – which could put him in charge of the Australian Security Intelligence Organisation and Australian federal police – on Sydney's 2GB radio on Thursday.

Fairfax Media first reported the proposal was under consideration on Tuesday. It is opposed by attorney general, George Brandis, but Malcolm Turnbull has so far refused to weigh in to speculation the government could create a mega-department by stripping the two agencies from the attorney general's portfolio.

Dutton noted that the United Kingdom had the Home Office, and the United States had the Department of Homeland Security.

He said the US had set up its department after the September 11 terrorist attacks “because the intelligence agencies there were essentially operating in silos”.

“From my perspective – we work well with the agencies, we want to make sure there are no silos, we want to make sure we are sharing all the intelligence and information.

“Because it’s part of the reason we can thwart these terrorist threats before they’re realised,” Dutton said.

He said in cases where a person’s immigration or security status was under investigation, “you necessarily want to get access to all of the information, whatever the government department holds on that person”.

“We just live in a very different age ... who can really predict what will happen over the next 10, 15 or 20 years in terms of security threats.”

Dutton said that Australia must “continue world’s best practice” in intelligence-sharing with a “modern system”.

Asked about the proposed super department on Tuesday, Turnbull said he would not comment on “speculation about administrative arrangements”.

On Thursday Dutton noted that a homeland security department had been considered in Australia “over a long period of time” by different governments. He said he was “not aware” of the process of deciding whether to create the department, and said it was “an issue for others”.

Sky News has reported that both Asio and the AFP oppose the proposed department of homeland security.

Security and foreign affairs experts have lined up against the idea or questioned the need for it, including former head of the Department of Foreign Affairs and Trade, Peter Varghese, the executive director of the Australian Strategic Policy Institute, Peter Jennings, and Ric Smith, a former defence department head and senior diplomat who led a review of domestic security in 2008.

In that review, Smith concluded the restructure could “disrupt unduly the successful and effective work of the agencies concerned and create significant new costs”.

Far from breaking down silos, he concluded large organisations “tend to be inward-looking, siloed and slow to adapt, and thus ill-suited to the dynamic security environment”.

When Labor floated the idea in 2008, Turnbull dismissed the idea as “one gigantic super-bureaucracy”.

“It would have meant reinventing well-established patterns of cooperation and coordination between our key security agencies and confusing and complicating the existing practice of reporting lines within and between those agencies,” he told parliament.

Guardian Australia understands Brandis opposes the idea because there is good cooperation and exchange of information between Asio, the AFP and state police services, which have joint taskforces in major cities.

<https://www.theguardian.com/australia-news/2017/mar/09/peter-dutton-talks-up-homeland-security-agency-including-asio-and-federal-police>

16. The Saturday Paper: Weighing the priorities of homeland security

As the PM and foreign minister attempt to smooth relations with Indonesia, calls increase for a consolidated approach to national security. By Karen Middleton.

The Saturday Paper
Karen Middleton
Issue March 11 – 17, 2017

Since the September 11 terrorist attacks shook up the security infrastructure in the United States and across the globe, successive Australian governments have entertained the idea of an American-style department of homeland security.

Prime ministers John Howard and Tony Abbott both rejected the reconfiguration a dozen years apart, and it was also examined by Kevin Rudd and Julia Gillard. The Labor governments came closest to implementation, with Rudd commissioning a homeland and border security review in 2008.

This week, the review's author, former defence department secretary Ric Smith, reaffirmed the view he put at the time: that a homeland security department was not required.

Several others, including former foreign affairs chief Peter Varghese, who previously headed the Office of National Assessments, told Fairfax Media they thought the existing infrastructure was working well enough. The last review to look at the issue, by the Department of Prime Minister and Cabinet in 2015, ruled it out. But as Immigration Minister Peter Dutton and his departmental secretary Mike Pezzullo press the case again – arguing their department is best placed to oversee a centralised agency – another voice in the security community has emerged arguing in favour of placing security oversight under a single banner.

Now the director of the National Security Institute at the University of Canberra, former chief of army Peter Leahy believes the time for a homeland security department has arrived.

FULL STORY AT <https://www.thesaturdaypaper.com.au/news/politics/2017/03/11/weighing-the-priorities-homeland-security/14891508004339>

17. Manus Island: IHMS accused of running medical centre without a licence

Operator says it was advised in May about concerns over clinic's registration and it is still awaiting government clarification

The Guardian
Helen Davidson
Friday 3 March 2017 18.17 AEDT

The Manus Island immigration centre's medical facility appears to have operated without medical registration for at least 10 months.

The clinic's operator, International Health and Medical Services (IHMS), said in a statement it was registered to provide medical services in Papua New Guinea and became aware of issues over its clinic's licence in May last year.

A Papua New Guinea news outlet, the National, went further, reporting that a PNG independent review committee report had revealed the medical centre had not been properly registered for three years from 2013, after being given temporary approval to operate a day clinic out of makeshift containers.

The committee reportedly accused IHMS of breaching the registration act and the health minister was preparing a report for parliament, according to the ABC.

IHMS has confirmed to Guardian Australia it was told the PNG Medical Board had concerns over its registration in May but the PNG government has not responded to its requests for clarification over conflicting information.

However, in May it was made aware that the PNG medical board "had concerns regarding the licensing of the medical clinic on Manus Island".

"Since being made aware of the issue, IHMS has submitted all required documentation to the PNG medical board to enable the licensing of the Manus clinic, and has sought guidance from the PNG medical board on who should hold the licence. IHMS has received conflicting advice from the PNG government regarding who should hold the licence."

The spokesman said all staff – including 54 Papua New Guineans, 37 Australians, and 12 other nationals – were registered in accordance with PNG laws and regulations.

IHMS has been subject to intense scrutiny and criticism over its handling of healthcare for asylum seekers and refugees at the Manus Island centre, following several deaths.

At a coronial inquest in Brisbane last month, IHMS and the Australian department of immigration appeared to blame each other for the failures in healthcare, which led to the death of Hamid Kehazaei.

The National reported that PNG health minister Michael Malabag had written to prime minister Peter O'Neil in January to raise other alleged breaches, including against taxation, labour and migration laws, and now said they should be looked at with the alleged medical registration issue. He suggested Isos, the parent company of IHMS, be allowed to withdraw its services, accusing them of breaching the Medical Registration Act, something he said would be "a serious criminal offence".

IHMS denied the allegations of further breaches, and said they were among "multiple unfounded accusations" directed at the company "as a result of competing commercial interests within the healthcare sector in PNG".

"In October 2016, IHMS provided the PNG government all the information required to refute these allegations. IHMS was informed by the PNG chief secretary that a report on its investigation would be issued to us within a week and we could then work collaboratively with the PNG government to resolve any outstanding issues.

“This report has never been issued and our multiple requests to meet with the PNG chief secretary, the PNG minister for health, and other government officials have been ignored.”

<https://www.theguardian.com/australia-news/2017/mar/03/manus-island-ihms-accused-of-running-medical-centre-without-a-licence>

18. Manus Island refugee arrested for alleged sexual assault of 10-year-old girl

Pakistani refugee, 28, charged as Manus MP calls for all Australian immigration detainees to be removed from the island

The Guardian
Ben Doherty and Helen Davidson
Tuesday 7 March 2017 12.19 AEDT

A refugee on Manus Island has been arrested for the alleged sexual assault of a 10-year-old girl in Lorengau.

The acting provincial police commander, Senior Inspector David Yapu, confirmed that a 28-year-old Pakistani refugee was arrested Monday.

He is alleged to have lured the girl to the Kohai Lodge in Lorengau township, where he is accused of assaulting her.

The man has been charged with four counts of sexual penetration of a child. He is expected to appear in Lorengau court Wednesday afternoon.

The girl was taken to Lorengau general hospital for medical examination, Yapu told the Guardian, where she reported the alleged attack.

“The victim is now with her parents after providing her statements to police on the incident.”

Manus MP and government minister Ronnie Knight told the Guardian: “The sexual assault on a 10-year-old girl must be condemned and the blame must be awarded to the Australian authorities and contractors who have failed miserably to secure such sick people. We will make sure that they [Australian authorities] also will be the target of a class action lawsuit for crimes against Manus people.

“I demand they secure these people and remove them forthwith before our local people massacre them.”

Knight has consistently warned that brooding tensions between Manusians and the refugee population could escalate to serious violence.

Monday’s alleged assault is the second reported incident of sexual assault in Lorengau town involving the transferred population of refugees and asylum seekers.

In January an asylum seeker was arrested and charged for the assault of a year 9 student at the Harbourside Hotel. He has been bailed to appear in court at a later date.

The arrest of a refugee forcibly transferred to Manus Island comes at a delicate time for the PNG and Australian governments.

The Australian foreign minister, Julie Bishop, is reportedly scheduled to meet her PNG counterpart Rimbink Pato at Madang on PNG’s north coast this week, as part of the 25th PNG-Australia Ministerial Forum. PNG’s lingering dismay over the Manus Island detention centre has been previously raised in this meeting.

The PNG government is pushing Australia to close the detention centre as quickly as possible and remove the men held there from Manus Island. The PNG supreme court ruled the detention centre ‘illegal and unconstitutional’ more than 10 months ago, and the government has openly stated the camp is a problem and wants it shuttered.

Ferrovial, owner of Broadspectrum, the private contractor employed to operate the offshore detention regime, is refusing to run the camps beyond the end of its current contract in October.

Officials from the United States are on the island for preliminary interviews regarding resettlement of refugees in America, but there is significant uncertainty that that deal will go ahead. The US could take zero, or a handful of refugees from Manus, and still be upholding the deal it struck with Australia, which obliges it only to consider refugees for resettlement.

<https://www.theguardian.com/australia-news/2017/mar/07/manus-island-refugee-arrested-for-alleged-sexual-assault-of-10-year-old-girl>

19. Perth man Kamran Ashraf ordered to return to Pakistan before birth of second child

ABC News Online

By Emily Piesse

Sunday March 4, 2017

A Perth mother who is two months pregnant with her second child fears for her family's future after her husband's application for a partner visa was rejected.

Kamran Ashraf, 35, will be deported to Pakistan later this month after his request for a ministerial intervention was declined.

Mr Ashraf came to Western Australia as a student in 2009 and met his wife, Rachael, who is from the Great Southern town of Cranbrook, the following year.

The couple married in 2012 and Mr Ashraf applied for a partner visa, but was rejected by the Department of Immigration and Border Protection in May 2014.

He unsuccessfully contested the decision in the Administrative Appeals Tribunal (AAT) before seeking a ministerial intervention, but was told last week his request had been declined by Assistant Minister for Immigration and Border Protection Alex Hawke, on the grounds of public interest.

The computer engineer, who works at Harvey Norman, must now leave Australia by March 16.

Mrs Ashraf, 25, said she was worried for the couple's son Burhan, who is almost 4, and her unborn child.

"We're hoping to maybe extend [Kamran's] visa by a few weeks, so that he can come to one of the prenatal appointments, but he won't be able to extend it for seven months to see the baby born," she said.

"They've asked us to apply for a visa when he's overseas and then to make proof that there's a relationship."

Mrs Ashraf, who requires frequent medical treatment for bipolar disorder and pancreatitis, said she fears her family will not receive the health care they need if they leave Australia.

"We also found out the other day our son might have autism. If we move to Pakistan, he won't get that care, he won't get the treatment [he needs] and neither will I."

Her husband is also worried.

"If I'm not here, who will support her?" he said. "Who will pay the rent?"

Relationship not 'genuine and continuing'

Mrs Ashraf said the department did not believe her relationship with Mr Ashraf — who had been married in Pakistan — was genuine. She became pregnant not long after they were married and their son was born nine weeks premature. "We ended up getting divorced because at the time it was just so stressful. We needed that break," Mrs Ashraf said.

They received marriage counselling and moved back in together in April last year, before legally marrying again in October. However, the Tribunal was only able to consider evidence of their relationship up until its ruling in December 2015. "The issue before the tribunal is whether the applicant and sponsor had a mutual commitment to a genuine and continuing relationship to the exclusion of all others at the time the application was lodged," the AAT stated in 2015.

"After considering all the available evidence individually and cumulatively, the tribunal is not satisfied that at the time the application was lodged in September 2012 that the relationship was genuine and continuing, that there was a mutual commitment to the relationship to the exclusion of all others, that the applicant and sponsor provided companionship to each other or provided emotional support or saw the relationship as long term," it said.

On its website, the Department of Immigration and Border Control states "only a small number of all requests for ministerial intervention are successful".

In a statement to the ABC, a department spokesperson said ministerial intervention was not an extension of the visa process. "A person is able to write to the minister and request intervention, however the minister cannot be compelled to exercise his powers, and he is not required to explain his decisions on any case. "The minister only intervenes in a relatively small number of cases which present unique and exceptional circumstances."

<http://www.abc.net.au/news/2017-03-05/perth-mother-worried-after-husband-visa-application-rejected/8326112>

20. Peter Dutton denies four boatloads of asylum seekers brought to Darwin

Asylum seeker group suggests group, including women and children, are detained in hotel – but minister says people being held are fishermen

The Guardian
Helen Davidson
Friday 3 March 2017 13.41 AEDT

The immigration minister has dismissed claims that asylum seeker vessels were brought to Darwin on Thursday, telling media a number of illegal fishermen have been detained.

Guardian Australia has confirmed that immigration are holding people at a hotel near Darwin airport. They are being guarded by plainclothed officers.

An asylum seeker advocacy group had earlier reported that four boats carrying asylum seekers from south and south-east Asia, including infants and children, had been brought to the city.

One source reported a baby crying from the block, which has been cordoned off for the purposes of immigration transit. Guardian Australia has located the group but has not confirmed the presence of any women or children.

A spokeswoman for the immigration department said reports that asylum seekers were being held in Darwin were incorrect. "There are a number of Vietnamese illegal foreign fishers currently detained in Darwin, awaiting court proceedings," she said.

In a media conference on Friday morning, the immigration minister, Peter Dutton, said there had been no people-smuggling venture arrive in Darwin but said his understanding was that there had been some illegal fishing operations.

Sandra Bartlett, the coordinator of the Darwin Asylum Seeker Support and Advocacy Network, said: "If they are asylum seekers then they have a legal right to access a lawyer, but without us having any access to contact them we aren't able to make them aware of their rights."

In November 2013 a group of about 50 asylum seekers arrived by boat in Darwin harbour and were later transferred to Christmas Island. The government refused to confirm that arrival for almost a week. Government policy dictates that asylum seekers arriving in Australia would normally be transferred to Christmas Island within 48 hours.

Any arrival has the potential to embarrass the government after its pledge to create a "ring of steel" around Australia to deter asylum seekers in the wake of its refugee resettlement deal with the US.

The prime minister, Malcolm Turnbull, said the combined operation would be the largest peacetime deployment of defence forces and was aimed at combating an expected increase in people smugglers off the country's north coast.

<https://www.theguardian.com/australia-news/2017/mar/03/peter-dutton-denies-four-boatloads-of-asylum-seekers-brought-to-darwin>

21. Peter Dutton says boat people reports are just 'fake news'

The West Australian
Friday, 3 March 2017 11:11AM

Immigration Minister Peter Dutton has dismissed reports of asylum seekers being detained in Darwin as fake news spread by an advocacy group.

Mr Dutton confirmed there was some activity in the region but it was the Australian Border Force dealing with illegal fishing operations.

He said the incident should be a lesson for mainstream media not to run with unconfirmed reports.

A post by the Darwin Asylum Seeker Support and Advocacy Network on Twitter this morning had sparked the reports.

"We have unconfirmed reports that four boats of people seeking asylum, including infants and children, are being detained in Darwin," DASSAN wrote on Twitter.

Mr Dutton said he had been advised there had been no arrivals of people smuggling boats in Darwin, while speaking at a press conference in Sydney about a Border Force sting which prevented the potential production of more than \$240 million of methamphetamine in NSW.

"I want this to, frankly, be hopefully a bit of a lesson for some of the mainstream media taking advice from advocate groups or from unsourced tweets and then running with it as if it were fact," he said.

"I'm advised that we don't have any arrivals of people smuggling boats in Darwin.

"I'm advised there is some activity up there, as you would expect and as occurs on a regular basis with Australian Border Force in relation to illegal fishing operations.

"People are held in Darwin and held there until they can be deported or their matters are finalised."

Mr Dutton announced the year-long border force operation in Sydney had resulted in the seizure of more than 300kg of ephedrine.

Nine illegal non-citizens had also been identified and detained.

"These drugs would have no doubt caused untold harm to the Australian community if they were successfully manufactured," he said.

Mr Dutton also spoke about the Government's plans to review laws to tackle homegrown terrorists.

<https://thewest.com.au/news/australia/peter-dutton-says-boat-people-reports-are-just-fake-news-ng-b88404569z>

22. Liberal senator appears to describe asylum seekers as 'fleas' in Senate estimates

David Fawcett says he was being metaphorical and description was 'not intended to apply' to refugees

The Guardian
Ben Doherty
Monday 27 February 2017 19.35 AEDT

The Liberal senator David Fawcett has appeared to describe asylum seekers as "fleas" in Senate estimates, bringing cries of "hear hear" from other senators.

He made the remarks to Labor senators as they discussed boat arrivals during a hearing into the immigration department on Monday.

"I just do question the ethics of nitpicking when your particular group perhaps brought the fleas in the first place," he told the hearing at Parliament House.

Unknown senators on the committee said "hear hear", while Fawcett's fellow Liberal and committee chair Ian McDonald was heard on the microphones to say "nicely put".

But the South Australian senator later sought to offer a clarification, saying he was referring to Labor senators pursuing small, process-driven details from the department when boat arrivals spiked on their watch.

"The metaphor was that if they were nitpicking they were responsible for the cause of that irritation," he said. "It is certainly not intended to apply to people who are refugees."

The Labor senator Kim Carr had asked a series of questions about an audit office report highlighting immigration department cost blowouts.

Fawcett asked the minister assisting the prime minister on the public service, Michaelia Cash, about the cost savings of having closed detention centres and stopped boats, and the "stress" placed on the department by high numbers of boat arrivals to Australia.

Cash said there had been large numbers of "unauthorised arrivals" under the Rudd and Gillard governments.

"It is the unfortunate reality in terms of what occurred under the former Labor government that they wound back the former Howard government's strong border protection policies," she said. "The statistics in terms of the unauthorised arrivals led to a course of events which, unfortunately, this government is still trying to clean up."

Fawcett then made his "fleas" remarks, directing his comment at Carr.

<https://www.theguardian.com/australia-news/2017/feb/27/liberal-senator-appears-to-describe-asylum-seekers-as-fleas-in-senate-estimates>

23. Liberal senator 'sincerely apologises' for flea comment in asylum policy debate

David Fawcett says he made a poor choice of words and never intended to describe asylum seekers as 'fleas'

The Guardian

Ben Doherty

Tuesday 28 February 2017 12.54 AEDT

Liberal senator David Fawcett has apologised after making a "poor choice of words" in parliament that appeared to describe asylum seekers coming to Australia seeking protection as "fleas".

Fawcett's comments were made during a Senate estimates discussion on asylum seekers arriving by boat, saying the Labor party had "brought the fleas" and was now attempting to "nitpick" in parliament with questions over asylum policy cost blow-outs, wasteful and unauthorised spending.

"I just do question the ethics of nitpicking when your particular group perhaps brought the fleas in the first place," he told the hearing at Parliament House, directing his comments at Labor members.

Unknown senators on the committee said "hear hear", while Fawcett's fellow Liberal and committee chair Ian McDonald was heard on the microphones to say "nicely put".

Following the comments, Fawcett sought to clarify that he had intended to suggest that Labor had created the "irritation" of stress within the immigration department, not that he was characterising asylum seekers as fleas.

But he made a further late-night apology to the Senate.

"I have just been on the phone to Mr Phil Glendenning, the president of Refugee Council of Australia," Fawcett said. "He has outlined how the words I spoke earlier today have been taken, and the deep hurt that this has caused across the network of communities that his council represents."

"Whilst it was never my intention that my comments would refer to refugees in such a way, it's clear that my poor choice of words has caused hurt to many people, and consequently I sincerely apologise."

<https://www.theguardian.com/australia-news/2017/feb/28/liberal-senator-sincerely-apologises-for-flea-comment-in-asylum-policy-debate>

24. Mobile phone ban in onshore detention helps tackle 'drug activities, escape plans': ABF

ABC News Online

By political reporter Matthew Doran

Monday February 27, 2017

The Border Force Commissioner has defended his agency's decision to ban all mobile phone use in the nation's onshore detention centres, arguing it is a way of cracking down on crime within the facilities.

Refugee advocates are currently fighting the ban, and earlier this month the Federal Court granted a temporary injunction against the seizure of phones across mainland centres and on Christmas Island.

Commissioner Roman Quaedvlieg was questioned about the policy in Senate Estimates, which he signed off on late last year.

"I cannot countenance running a custodial setting, which has a facility that allows mobile phones, to be used as an enabler to crime," he told the committee.

"I just cannot ensure the security and safety of detainees across the population by running centres where I allow mobile phones to be used broadly.

"The phones will be used for drug activities and escape plans."

Commissioner Quaedvlieg said he had discussed the policy with Immigration Minister Peter Dutton for the better part of 12 months, and there had been a three-month grace period before the seizure of phones was to begin.

Labor Senator Louise Pratt asked why such an "onerous policy" was being applied to all detainees in the onshore facilities, including those being held there ahead of their deportation from the country.

'It's a balance to be achieved': Commissioner

Commissioner Quaedvlieg cited examples of criminal behaviour he hoped to stamp out by enforcing the ban, which included halting a drug supply chain being operated from within a facility and preventing detainees from planning their escapes.

"It's a balance to be achieved," he told the Committee.

"Where we are able to provide access to phone infrastructure, ie hard lines that are adequate, then being able to remove smartphones in particular from our custodial setting.

"And I can tell you very clearly that it becomes a currency within our centres — persons who have phones will be stood over for those phones."

The Federal Court is due to hear more of the case brought by refugee advocates next month.

Advocates argue mobile phones are an essential lifeline for detainees needing to seek legal advice, and help to prevent suffering and mental health crises while behind bars.

<http://www.abc.net.au/news/2017-02-28/border-force-justifies-onshore-detention-mobile-phone-ban/8308544>

25. MEDIA RELEASE: Refugee advocates reject absurd detention mobile phone claims

Tuesday February 28, 2017
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Refugee advocates have rejected claims by Commissioner Quaedvlieg that the use of mobile phones is linked to criminal behaviour.

"The mobile phone is part of militarising the detention centres, and is part and parcel of a suite of punitive policies being rolled out by Border Force," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"The attempted ban on mobiles goes along with the routine use of handcuffs to attend medical appointments and arbitrary movements of detainees to remote detention centres and cruel changes that severely restrict visiting arrangements.

"The phones are a life line to people cut of from family, legal assistance and community support. The claim that land lines in the detention are adequate is a joke. It is impossible for people to call into Villawood, for example.

"The Commissioner glib reference to running a 'custodial facility' hides the fact that immigration detention is administrative detention not a correctional facility. Asylum seekers in detention are not guilty of any crime.

"The government has chosen to keep 501 cases, so-called 'criminal deportees', in immigration detention is a case of double punishment. People who have finished their sentence imposed by the courts are being held on the whim of the Immigration Minister.

"Refugee advocates have long argues that 501s and asylum seekers should not be held in the same detention facilities. There are good arguments why neither should be in detention at all. Taking mobile phones off people can only add to strains and tensions inside the detention centres.

"The existing ban on asylum seekers who arrived by boat having a phone is absurd and inconsistent. Everybody should have a phone.

"The Commissioner has no credible evidence that phones have been used in criminal behaviour. He has no evidence that phone are a focus of any 'stand-over' behaviour in detention centres," said Rintoul.

"But the arbitrary searches of detainees' rooms for 'contraband' that may arise from banning mobile phones certainly falls into the category of stand-over behaviour by guards. There have been fights over fans in hot weather, too. But as in all cases, the fights are more a product of the punitive conditions in detention than with food, fans, or mobile phones.

"The serious use of drugs in detention is mostly associated with the criminal behaviour of security guards than the use of mobile phones by detainees.

"The Commissioner also tries to associate mobile phones with escapes. This is another attempt to cover up Serco and Border Force's own security failures.

"It would be far simpler to end detention. But as long as detention exists, detainees should have mobile phones.

"We reject any idea that detention centres should be run like Guantanamo Bay."

For more information contact Ian Rintoul 0417 275 713

26. Border Force warned over 'unlawful' and 'inappropriate' airport searches

Canberra Times

February 27 2017 - 5:41PM

Michael Koziol

The Australian Border Force has been warned over illegal body searches of passengers at international airports in a report that found immigration officers routinely lacked adequate guidance about their powers.

A critical report by the Commonwealth auditor accused the Border Force of failing to "adequately address the risk of officers exercising coercive powers unlawfully or inappropriately", despite making improvements.

Immigration boss Michael Pezzullo conceded to "a number of administrative deficiencies" within his department but shot back at the National Audit Office over "loose terminology" and findings he called "unworldly".

It was the third ANAO report critical of the department's internal procedures, and found the Border Force had failed to adequately instruct and educate officers who exercise intrusive powers, such as body searches.

Among 69 airport searches examined by the auditor, 20 involved at least one uncertified officer, "meaning these were inappropriate searches". Another five were illegal, because the detaining officer was unauthorised.

The ANAO also examined 50 search warrants exercised by the Border Force, of which nearly half were used as authorisation for multiple searches - contradicting guidelines set by the Director of Public Prosecutions.

Appearing before Senate Estimates on Monday, Mr Pezzullo acknowledged "administrative deficiencies" in the department, including a dearth of appropriate records for millions of dollars in payments made to contractors on Manus Island and Nauru.

He said it was "easy" to accede to the ANAO's "bland" recommendations, but took aim at the auditor for its "loose" use of terms such as "coercive powers". "Regrettably it's becoming a bit of a recurring pattern with the audit office," Mr Pezzullo said.

The immigration boss also expressed confidence in the Turnbull government's US refugee deal. He said the US stood "poised and ready" to commence vetting refugees, pending the receipt of a review into "extreme vetting" due to be handed to President Donald Trump on Monday.

"We have a close understanding of what their security arrangements are and what they're likely to be," Mr Pezzullo said. Australian agencies were in "frequent dialogue" with the US Department of Homeland Security and were providing information that could "expedite" the vetting process, he said.

Mr Pezzullo stopped short of Immigration Minister Peter Dutton's indication in a Sky News interview that resettlement would likely commence "in a couple of months". Instead he said he expected "movement" within "the next several months".

It was "nonsensical" to suggest the deal had stalled, Mr Pezzullo said.

Stressing that Australia's agreement to take Central American refugees from a camp in Costa Rica constituted a "separate agreement" and not a "people swap", the department revealed the Costa Rica camp had a maximum capacity of 200 people - suggesting a much smaller intake than the 1250 people the US has conditionally agreed to accept.

<http://www.canberratimes.com.au/federal-politics/political-news/border-force-warned-over-unlawful-and-inappropriate-airport-searches-20170227-gum7gi.html>

27. Australian Border Force concerned staff dealing with PTSD, trauma from asylum seeker missions

ABC News Online

Monday February 27, 2017

By Dan Oakes

Australian Border Force is investigating the extent of post-traumatic stress disorder (PTSD) in its workforce caused by having to retrieve the bodies of asylum seekers killed trying to reach Australia by boat.

Speaking before a Senate estimates hearing at Federal Parliament on Monday morning, Border Force chief Roman Quaedvlieg revealed there was "significant anecdotal evidence" of trauma to frontline personnel.

"Not just those that were pulling bodies out of the water, but those that were actually dealing with the trauma of the interceptions, the capsizes, several of our officers went overboard, were at significant risk of harm and indeed death to themselves, and certainly dealing with the stress and trauma of the [illegal maritime arrivals] on board those vessels," Mr Quaedvlieg said.

Mr Quaedvlieg said he asked the Border Force chief medical officer to have a "much closer look" at the incidence of post-traumatic stress disorder within that group of Border Force personnel.

"It's something I'm exceptionally concerned about, because PTSD is something that can lie dormant for significant periods of time and something that I suspect will have a long-lasting impact on our staff," he said.

In December 2014, the ABC interviewed several serving and former Australian Defence Force members who served on border protection operations off Australia's northern coastline.

They described being deeply traumatised by the task of retrieving the bodies of dead asylum seekers whose boats had sunk before Australian Navy ships could reach them.

Defence says border staff 'dealing well' with pressures

Former sailor Troy Norris had recently been discharged from the Navy suffering from post-traumatic stress disorder.

He spent 13 years intercepting and boarding asylum seeker vessels, rising to the rank of chief bosun's mate.

"There'd been times where we had to do body recoveries, which was quite difficult and traumatising," Mr Norris said at the time.

"It was extremely difficult, especially if the people had been in the water for quite a period of time ... they become quite bloated and there's only one way to pull them in and that's to grab them and try and chuck them in the boat.

"Sometimes you'd go to pull these people in the boat and all you'd end up with is a handful of flesh. It'd just strip to the bone."

When the ABC asked Defence to discuss the claims, it responded by saying that the majority of personnel deployed on border protection operations were "dealing well" with the pressures, and that the reported rates of mental health symptoms were "low".

The sailors interviewed by the ABC also claimed they were treated poorly by Defence after being diagnosed with PTSD, and that the secrecy surrounding border protection operations exacerbated that.

"Recently it was mental health awareness week. [Commanding officers] of bases and senior officers all got up and said, 'Oh, you know, don't forget to ask people are you OK?' as the slogan goes," one sailor — who could not be identified — said at the time.

"Well, the problem with the Navy is when people say 'no', they don't know what to do. And that's not good enough," he said.

"I didn't realise I had a problem until things got way out of hand, and it's only a matter of time before those people who are not getting the support — God forbid — went to the extreme of committing suicide because they felt there was nowhere to go."

In response, Defence said there was a "range of avenues" open to servicemen and woman suffering from psychological problems, but that the stigma of mental health problems meant they sometimes did not seek help.

<http://www.abc.net.au/news/2017-02-27/border-force-investigating-ptsd-in-frontline-staff-asylum-seeker/8307094>

28. Reza Barati: Police appeal for help after asylum seeker's killer makes second escape

ABC News Online
By Papua New Guinea correspondent Eric Tlozek
Monday February 27 2017 - 2:53pm

Police in Papua New Guinea are appealing for help to capture one of the escaped killers of Iranian asylum seeker Reza Barati.

Manus Province police commander David Yapu said Joshua Kaluvia escaped for a second time from the prison on the island on February 18, during a water shortage at the jail.

"When there was a problem with the water supply the prison warders had to escort them down to the shore to have their shower at the beach," Senior Inspector Yapu said.

"Whilst out at the beach he managed to escape."

Kaluvia is one of two men convicted of murdering Barati inside Australia's detention centre on Manus Island in February 2014.

The former Salvation Army worker is serving a five-year sentence, along with former G4S guard Louie Efi.

His sentencing was delayed when he escaped in March 2016 and spent two weeks on the run.

Police say latest escape is concerning

"He's a dangerous and high-risk criminal element," Senior Inspector Yapu said.

"My fear is that if he's on the run he can cause threats to the community. In other words, he's dangerous to the community.

"I've appealed to the community and the people of Manus to assist us to provide information of his whereabouts so we can soon arrest him and put him back behind the bars. Otherwise, if he's still on the run, he's a threat. He's a threat to the community."

Two of the witnesses to the murder of Barati remain in the detention centre on Manus Island.

Witness fears for safety

The main witness — Barati's roommate Benham Satah — said he was terrified. "I am going crazy, I don't know what to do," he said. "Police are searching for him, but I can't sleep or eat unless he is detained again. I have to be on alert always."

Mr Satah received a number of death threats after giving evidence about the killing and was promised protection by the judge in the murder trial. Police said they had advised the centre's management and the contingent of officers stationed there to watch for Kaluvia and protect the witnesses.

<http://www.abc.net.au/news/2017-02-27/reza-barati-murderer-escapes-jail-on-manus-island/8308058>

29. The Saturday Paper: Safety fears for Manus Island murder witness

As the Immigration Department faced senate estimates, a witness to the murder of Reza Barati fears retribution from the man he helped convict.

The Saturday Paper
Mar 4, 2017
Martin McKenzie-Murray

Behnam Satah feels like a marked man. An Iranian detainee on Manus Island, he testified against Joshua Kaluvia in the latter's trial for the murder of asylum seeker Reza Barati. Barati died of a "catastrophic cranial injury" – his head was crushed with a rock – during violent protests in 2014. Last year, Kaluvia and another man, Louie Efi, were convicted of his killing. They were both local employees of the camp.

Since then, Behnam says, he and the other witnesses have been threatened with retribution. He tells me that he doesn't believe those threats are idle – locals resent the camp's presence, and many are angry at his testifying against Kaluvia. In 2015, while placed in the same hospital as the accused, Behnam tells me that Kaluvia threatened to kill him if he testified.

Behnam's fear increased in March last year when Kaluvia escaped prison. He was a fugitive for weeks. A fortnight ago, Kaluvia escaped again. As I write this, he remains at large. Behnam says he wasn't notified by camp staff of Kaluvia's escape – he found out through an Australian news report. "Nobody come to speak with me," Behnam says. "I wanted to know what security measures they will provide, because it's very easy for anyone to come to camp now. Even by today, nobody has come [to inform me]."

The threat of Kaluvia entering the centre was considered sufficient for images of the wanted man to be posted around the site. Above Kaluvia's mugshot are the words: "This man is not to enter the Manus Island Regional Processing Centre."

FULL STORY AT <https://www.thesaturdaypaper.com.au/news/immigration/2017/03/04/safety-fears-manus-island-murder-witness/14885460004302>