

# Project SafeCom News and Updates

Monday, 11 April 2016

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1. Crikey Editorial: We made the Manus mess, we need to clean it up
2. Greens call for Wilson Security to be stripped of contracts after corruption scandal links exposed
3. Send home migrants not in need of protection, Peter Dutton tells UN
4. Reza Barati killing: Man accused of murdering Manus Island detainee escapes jail
5. Manus Island witness 'terrified' after Reza Barati's accused killer escapes
6. Accused killer of Reza Barati was at large for a week before police were told
7. Accused Manus Island killer of Reza Barati recaptured, PNG police say
8. 'It's a travesty': family pleads with Peter Dutton to release father from detention
9. At least 196 asylum seekers granted community detention after protests
10. Let Them Stay labelled a success, more than half of 267 asylum seekers in community detention
11. 'Now we have a home': Babies bound for Nauru taste freedom in the suburbs
12. Last children in detention released from mainland centre in Darwin
13. Asylum seeker children still in detention despite claims all have been released
14. Michael Gordon: Time for a new conversation on asylum seekers
15. Lingering questions over claims of freedom for detention centre children
16. Two children remain in immigration detention, despite government claims to have freed them all
17. Asylum seeker children pledge fulfilled 'in spirit and deed': Peter Dutton
18. About 90 asylum seeker children in Australia to be returned to Nauru, Peter Dutton confirms
19. MEDIA RELEASE: Tensions high on Manus Island ahead of transfer deadline
20. Tensions high at Manus Island detention centre over plan to forcibly separate asylum seekers
21. Manus Island asylum seekers, refugees separated to prepare to leave detention centre
22. PNG officials find half those detained on Manus Island to be refugees
23. New Zealand detainee dies in Villawood immigration detention centre

# 1. Crikey Editorial: We made the Manus mess, we need to clean it up

Crikey Editorial

Wednesday, March 30, 2016

After holding refugees in legal limbo on Manus Island in some cases for years, and using them as miserable human deterrents to others thinking of attempting the journey, Australia is apparently eager to wash its hands of them.

The PNG and Australian governments are reportedly in a panic to clear the Manus detention centre of asylum seekers ahead of a PNG Supreme Court case that could find the centre is illegal under that country's constitution.

According to advocate Ian Rintoul, asylum seekers at the centre have been told that their claims for asylum will all be processed as soon as possible and that those found to be refugees will be offered resettlement in PNG.

If the detainees refuse that offer -- as many already have, claiming they are not safe there in the wake of the violence that killed Reza Barati -- they reportedly will be forcibly removed from the country. "The message was clear for us -- whether you are a refugee or not, they want to clear the detention centre. But there is no safety in PNG," one detainee told Rintoul.

As Crikey has argued before, the kind of arbitrary detention that has been happening on Manus and Nauru is not refugee processing. But fast-tracked processing and the threat of forced removal is not a solution to Australia's mismanaged offshore detention scheme, either, and will likely cause more unrest and violence at the troubled centre, and more protracted and expensive legal challenges for the government.

For two and a half years, this government has had the opportunity to craft a genuine regional solution to the asylum seeker problem. As the review conducted by Angus Houston, Paris Aristotle and Michael L'Estrange in 2012 recommended, offshore detention and processing could only ever be a temporary measure while an effective regional solution was developed.

But the only regional solution pursued by this government has been a bribe to the corrupt Cambodian regime to take just four asylum seekers, now reduced to just two. Now, it alone must pay the price for its laziness and hostility to regional engagement -- Australia's human deterrents, being held on Manus Island, have suffered enough.

<http://www.crikey.com.au/?p=540842>

## 2. Greens call for Wilson Security to be stripped of contracts after corruption scandal links exposed

ABC News Online

By political reporter Stephanie Anderson

First posted Tue 5 Apr 2016, 9:38am

Updated Tue 5 Apr 2016, 10:14am

The Greens have called on the Federal Government to strip Wilson Security of its contracts for offshore immigration detention centres after revelations the company has links to a Hong Kong corruption scandal.

The call follows the unprecedented leak of more than 11 million documents from Panamanian Law Firm Mossack Fonseca, obtained by the International Consortium of Investigative Journalists and shared with media organisations around the world including the ABC's Four Corners program.

The leaked documents obtained by Four Corners showed that Thomas and Raymond Kwok, billionaire brothers charged with bribing a Hong Kong government official in July 2012, were in control of Wilson Security.

The brothers covertly remained directors of the offshore company that ultimately controls Wilson's operations in Australia — Wilson Offshore Group Holdings (BVI) Limited — following their arrests (Raymond Kwok was later acquitted of all charges).

In a statement to the ABC, Wilson insisted the Kwok brothers were never directors of Wilson Security, which also holds multi-million-dollar Government contracts for the Australian Tax Office and Department of Prime Minister and Cabinet.

But Greens Senator Sarah Hanson-Young described the revelations as alarming and said the Government needed to act immediately.

"Wilson Security must be stripped of their contract for running Manus Island and the Nauru detention centres," she said.

Comment has been sought from the Department of Immigration and Border Protection.

<http://www.abc.net.au/news/2016-04-05/greens-call-for-wilson-security-sacking/7299736>

### 3. Send home migrants not in need of protection, Peter Dutton tells UN

ABC Radio CAF - The World Today

By Lisa Millar

Posted Thu 31 Mar 2016, 11:07am

Immigration Minister Peter Dutton has told an international refugee meeting in Geneva that governments need to tighten their borders and quickly send home migrants not in need of protection.

Organisers had hoped countries would open their doors at the conference organised by the United Nations.

UN Secretary-General Ban Ki-moon called on leaders to resettle nearly half a million Syrian refugees in the next three years.

"I call on you to expand on these commitments and I urge other countries to join," he said.

"When managed properly, accepting refugees is a win for everyone."

But of 92 countries attending, only Italy, Sweden and the United States immediately announced concrete plans.

Mr Dutton emphasised that Australia had already made significant contributions, and urged other countries to be tough on those who were not legitimate refugees.

"Border management arrangements in all countries must be strengthened to identify, register and process asylum applications and persons found not to be in need of protection must be returned to their country of origin expeditiously," he said.

The Immigration Minister said sending people home was crucial to a fair and credible asylum system.

"Because it removes expectations that mere arrival in a place secures permanent residence, thereby breaking the people smugglers' model," he said.

He announced Australia would pledge an extra \$8.5 million to the UNHCR (United Nations High Commissioner for Refugees).

Mr Dutton's comments followed Prime Minister Malcolm Turnbull's response to the recent terror attacks in Brussels.

Last week Mr Turnbull said the attacks highlighted the "porous borders" of Europe and went on to praise Australia's strict approach to border control.

"For all intents and purposes there are no internal borders in Europe and their external borders are difficult to manage," he said.

"Australia is better placed than many of our European counterparts in dealing with the threat of terrorism because of the strength of our intelligence and security agencies, our secure borders and our successful multicultural society — one that manages to be both secure and free."

#### ***Global response 'really disappointing'***

Gareth Price-Jones from Care International said the conference generated 6,000 new places for refugees, offered by the states who were in attendance.

He describes that response as poor.

"That is better than nothing but when you think that... around 2,000 people a week have been coming to Europe in recent months, that's just three weeks worth of people," Mr Price-Jones said.

"It's not a viable alternative."

Aid groups criticised the international response at the conference.

Anita Bay, the international advocacy director for Save the Children, attended the conference and said the mood had been changing for some time now in terms of countries offering to not just pledge financial support, but offering to take in the refugees.

"When it comes to that commitment, it's not there," Ms Bay said.

"I think it was really, really disappointing from the point of view that the aim of this meeting was really for suits to come and show global solidarity and to share responsibility with the Syrian refugees of course but also with those neighbouring states that are so generously hosting many refugees.

"And sadly, that was not what happened today.

"Rather I would say it's been a day showing that the international community is not willing to actually show that solidarity and to show the moral leadership that is needed at this moment in time where we have so many Syrian refugees in need of protection and in need of a life, basically."

Ms Bay said the focus on border control by countries was coming at the expense of children's protection and rights, as well as removing the opportunity for them to attend school.

The UN High Commissioner for Refugees, Filippo Grandi, urged more countries to ramp up their contributions.

"We must find a way to manage this crisis in a more humane, organised and equitable manner and this is only possible if the international community is united and in agreement on how to move forward," he said.

The five-year conflict in Syria has so far driven an estimated five million refugees abroad.

<http://www.abc.net.au/news/2016-03-31/send-migrants-home,-dutton-tells-un/7287494>

## **4. Reza Barati killing: Man accused of murdering Manus Island detainee escapes jail**

ABC News Online

By Papua New Guinea correspondent Eric Tlozek

First posted Mon 4 Apr 2016, 1:34pm

Updated Mon 4 Apr 2016, 1:44pm

One of the two men accused of killing Iranian asylum seeker Reza Barati on Manus Island in Papua New Guinea has escaped from prison.

Joshua Kaluvia, a former Salvation Army worker at the Manus Island detention centre, had been facing trial for the wilful murder of Mr Barati in February 2014.

Kaluvia was meant to appear in court in the town of Lorengau on Manus Island this week to continue the trial, but the court was told he had escaped from remand at the Lorengau prison.

A spokesman for PNG Correctional Services confirmed Kaluvia was missing.

"The escapee is Joshua Kaluvia from Muliagani Village in the West New Britain Province," he said in a statement.

"He was the suspect in the murder of an asylum seeker in 2014.

The escape occurred on March 28, between 11:00am and 12:00pm, the spokesman said.

### ***Arrest warrant issued for Kaluvia***

Trial judge Nicholas Kirrowom issued a warrant for Kaluvia to be recaptured and to reappear in court by April 18.

Kaluvia had pleaded not guilty and had complained about the standard of his defence during the trial last year.

Police had struggled to find Kaluvia when he was first named as a suspect in the case after his friends initially told them he was dead.

He was later arrested on the island of New Britain.

Witness Benham Satah told the trial last year Kaluvia had come into the centre during a riot on the night of February 17 and struck Mr Barati multiple times in the head with a piece of wood.

Another man, former G4S guard Louie Efi, is accused of dropping a large rock on Mr Barati's head as he lay on the ground.

Medical evidence given during the trial found Mr Barati died from blunt force trauma to his skull.

<http://www.abc.net.au/news/2016-04-04/accused-manus-island-killer-escapes-jail/7297628>

## 5. Manus Island witness 'terrified' after Reza Barati's accused killer escapes

The Age  
April 5, 2016 - 12:05PM  
Michael Gordon

A key witness to the slaying of Reza Barati in the Manus Island detention centre in 2014 has expressed fears for his safety after one of the alleged killers escaped from prison.

Kurdish Iranian, Benham Satah, says he has already received death threats from guards at the centre after giving evidence against Joshua Kaluvia. His supporters say he is "terrified" after the escape.

"He believes he is going to be killed at any moment," says Diana Cousens, who organised a petition requesting Mr Satah be brought to Australia and resettled and spoke to him on Tuesday.

The escape on March 28 coincides with heightened tensions at the centre over the decision to separate the more than 900 detainees according to their refugee status.

Kaluvia, a former Salvation Army worker at the Manus Island detention centre, had been facing trial for the wilful murder of Mr Barati and was meant to appear in court this week to continue the trial.

Dominic Kakas, from the PNG Police Media Unit, confirmed Kaluvia's escape to Fairfax Media, saying he would make information available as it came to hand.

Mr Satah's supporters are alarmed that the escape only came to notice when Kaluvia failed to appear in court this week.

Mr Satah has testified that Kaluvia came into the centre during a riot on the night of February 17 and struck Mr Barati multiple times in the head with a piece of wood.

Another man, former G4S guard Louie Efi, is accused of dropping a large rock on Mr Barati's head as he lay on the ground.

Both Kaluvia and Efi have protested their innocence, with Kaluvia complaining about the standard of his defence when the trial began last year. The trial judge, Nicholas Kirrowom, has issued a warrant for Kaluvia to be recaptured and to reappear in court by April 18.

Two expatriates, an Australian national and a New Zealand national, who were also allegedly responsible for Mr Barati's murder, left Papua New Guinea after the riots and have not been interviewed by PNG police, despite repeated requests for them to be returned.

Labor MP Melissa Parke last month tabled the petition seeking Mr Satah's transfer to Australia in Federal Parliament. It has more than 18,000 signatures.

Meanwhile, at least four refugees who left Manus Island are believed to have returned to the province after attempting to settle in PNG's two biggest cities, Port Moresby and Lae, complaining of fear and poverty.

Since the move to separate detainees, six of those who have refugee status and had so far refused to leave the centre are understood to have signed papers providing for their re-location to a transit centre in Lorengau.

Behrouz Boochani, an Iranian Kurd and writer, summed up his view of the predicament of the detainees on Facebook.

"If you stay in the centre, you must endure much traumatising pressure and live in a hell prison. If you leave the centre you must live in East Lorengau, with no safety and a deep feeling of insecurity and loneliness," he wrote.

"If you leave the island you must live as a homeless person and endure hunger and live like a poor man. I believe the main aim is that the pressure they put people under will force them to go back to their country of origin."

<http://www.theage.com.au/federal-politics/political-news/manus-island-witness-terrified-after-reza-baratis-accused-killer-escapes-20160405-gnyjja.html>

## 6. Accused killer of Reza Barati was at large for a week before police were told

The Age  
April 6, 2016 - 1:07PM  
Michael Gordon

The police commander on Manus Island has revealed that he was not informed for seven days that one of the men accused of killing asylum seeker Reza Barati had escaped from prison.

David Yapu says he is frustrated and angry that he was only alerted to the escape on Monday, when Joseph Kaluvia was due to appear in court for the resumption of his trial.

The key witness against Mr Kaluvia remains in the Manus Island detention centre and says his fears for his safety have escalated since the escape.

"In what system can one [alleged] murderer escape and they only notice after several days?" asked Iranian Kurd, Benham Satah.

Mr Satah says he received death threats from guards at the centre, where friends and family of Mr Kaluvia still work, after giving evidence at the trial. "Now I have to be more careful than before."

Mr Yapu told Fairfax Media he was only told on Monday, when that matter was brought to court, that Mr Kaluvia had escaped.

The commander said members of the force's special operations group were working "around the clock" to recapture Mr Kaluvia and he was sensitive to Mr Satah's anxiety.

The lapse was all the more galling because the East Lorengau jail on Manus Island is only a short walk from the police station. "That is my great concern. We're supposed to be working together."

Mr Yapu said he was acutely aware of the public interest in the case, which only added to his frustration at not being informed of the escape on March 28.

He was confident Kaluvia was still on Manus Island and would be recaptured.

Kaluvia was being held at the prison with his co-accused, former G4S guard Louie Efi, who is accused of dropping a large rock on Mr Barati's head as he lay on the ground in February 2014. Both have protested their innocence.

The escape coincides with heightened tensions at the centre over the decision to separate more than 900 detainees according to their refugee status.

Detainees have reported a large police presence outside the centre ahead of the separation, which is due to be completed on Wednesday.

Mr Satah has requested to be placed on "high watch" for his protection, or isolated in the centre's mental health unit, but has told Fairfax Media the request had been denied.

He says he is too frightened of being attacked to sleep at night and suffers constant nightmares when he sleeps during the day. "I don't like to live like this. I am going crazy," he said.

<http://www.theage.com.au/federal-politics/political-news/accused-killer-of-reza-barati-was-at-large-for-a-week-before-police-were-told-20160406-gnzka0.html>

## **7. Accused Manus Island killer of Reza Barati recaptured, PNG police say**

Canberra Times  
April 10 2016 - 10:38AM  
David Wroe

The accused murderer of Iranian asylum-seeker Reza Barati on Manus Island has been recaptured after nearly a fortnight on the run following his escape from jail, Papua New Guinean police say.

Police issued a brief statement on Sunday morning saying that the former Salvation Army worker Joshua Kaluvia was back in custody.

Mr Kaluvia is one of two men accused of the slaying of 23-year-old Mr Barati in early 2014 during a riot at the Manus Island detention centre.

In a major embarrassment for PNG authorities, Mr Kaluvia escaped on March 28 from East Lorengau jail on Manus Island. Adding to concerns, the Manus Island police commander has since expressed anger and frustration that he was not told of the escape for more than a week.

Mr Kaluvia is accused alongside former G4S guard and fellow PNG national Louie Efi of Mr Barati's murder. Mr Barati died from head injuries allegedly caused by wooden clubs and a large rock.

Police have in the past week described Mr Kaluvia as having been found guilty of the murder, though there is no public record of any court convicting him or any resolution of his trial, which appears to be continuing. In fact he was due back in court last week, but his escape meant the judge pushed back his reappearance date to April 18.

The key witness against Mr Kaluvia, Iranian Kurdish asylum-seeker Benham Satah, is still in the Manus Island detention centre and has told Fairfax Media he was in fear of his safety with the suspect on the run.

"In what system can one [alleged] murderer escape and they only notice after several days?" he asked.

Mr Satah said he received death threats from guards at the centre, where friends and family of Mr Kaluvia still work, after giving evidence at the trial.

<http://www.canberratimes.com.au/federal-politics/political-news/accused-manus-island-killer-of-reza-barati-recaptured-png-police-say-20160409-go2pf2.html>

## **8. 'It's a travesty': family pleads with Peter Dutton to release father from detention**

Mustapha El Ossman has never been accused of criminal wrongdoing, passed three security checks, and was on verge of gaining a visa before new Asio ruling

The Guardian  
Paul Farrell  
Thursday 7 April 2016 06.43 AEST

An Australian family has been torn apart after the immigration minister, Peter Dutton, cancelled a man's visa on the basis of a secret security assessment and placed him in detention.

In a decision that is likely to alarm migrant communities, Dutton cancelled the visa of Mustapha El Ossman, who had been living in Australia for several years. El Ossman is Lebanese and was on the verge of gaining a partner visa.

His wife, Mariam Albf, and his infant daughter, Haffa Arwa Albf, are both Australian citizens. Mariam Albf and her family have lived in Australia for more than 20 years, after her parents emigrated from Lebanon.

El Ossman has never been accused of any criminal wrongdoing and has always complied with his visa conditions. He has had three positive security assessments from the Australian Security Intelligence Organisation since he first visited Australia.

But suddenly, and with no clear explanation, that position changed. After an adverse security assessment from Asio in August 2015, Dutton used his discretion to cancel El Ossman's visa on Asio's recommendation, which led to his placement in the Villawood detention centre in Sydney. The immigration department and Serco, the private contractor that manages Villawood, decided to place El Ossman in the highest security area of the Villawood compound, known as Blaxland.

He potentially faces indefinite detention in Villawood and is unable to seek a review of the Asio decision on its merits because he is not an Australian citizen. This gap in Australian law has consistently been criticised and has drawn the attention of the UNHCR on several occasions.

Mariam Albf and her family have spoken out about the security assessment in a video interview with Guardian Australia. She has issued a direct plea to Dutton to reconsider the visa cancellation and the family has started a petition to call for his release from detention.

Albf told Guardian Australia her daughter has difficulty recognising her father when they visit the detention centre.

"It's a travesty; you're in a system where you've got laws that protect humans and their rights," she said. "But he doesn't have rights as a human. So we don't get to find out why he's in there. We don't get reasons.

"Right after he was taken away if I left the room [my daughter] would scream hysterically. She would literally hold onto my leg.

"She started waking up in the middle of the night. She'd wake up screaming hysterically."

El Ossman has appealed against the visa cancellation decision to the Administrative Appeals Tribunal on two occasions but the appeals were rejected in September 2015 and December 2015.

Although the tribunal member Antoinette Younes in September 2015 ruled against El Ossman, she noted: "The applicant is in detention and it is possible that he could remain in indefinite detention as a consequence of the cancellation."

Younes acknowledged that family unity was important and that the interests of their daughter was a primary consideration "but the tribunal is satisfied that they are not the overriding interests in this matter".

In the subsequent appeal, the senior tribunal member Irene O'Connell ruled against El Ossman but cast some doubt over Asio's assessment, given its secret nature.

This time O'Connell was critical of some aspects of the decision.

"The applicant was not, for example, picked up in a raid, questioned by police, or charged with any terrorist activities," she wrote.

"Given the nature of the Asio assessment, that the applicant is directly or indirectly a risk to security, it is to be given considerable and substantial weight.

"However, the manner in which the assessment has been implemented would tend to suggest that the attribution of substantial weight to the Asio assessment is to be treated with some circumspection."

The basis for the decision is almost entirely unknown. In July 2014 El Ossman was questioned by Asio about his political views on the Syrian conflict and his religious views. No clear allegation has been put to him about any extremist activities or links, although Asio has suggested that this is the basis for the decision.

"I said that I love and respect this country and I want to live here for the rest of my life and I love this country to stay safe and sound," El Ossman said in a written recollection of his interview.

"I promise Asio that if had any information about anyone who is trying to mess with the national security of this country that I will not hesitate to contact them, even if that person was a family member, as the damage that this person can cause in this beautiful country will hurt everyone."

After the five-hour interview El Ossman thought this was the last he would hear from Asio. He even laughed and joked with the officers during the interview. They made him feel at ease. He told Mariam when he left that he thought it was fine, they didn't seem bothered.

While both were anxious about the interview, nothing happened for almost a year. The family had been living in Sydney.

More than a year later, in September 2015, El Ossman was called in to the immigration department for what his family thought was a routine meeting. The family thought he was going to be granted his partner visa.

He was walked into another room, where two Australian Border Force officers were sitting. They told Mustapha his visa had been cancelled because of a security assessment from Asio. Neither officer would tell him any more than that. They asked him to explain why his visa shouldn't be cancelled but did not accept his response. He was taken into detention immediately.

"I said why? What have we done wrong?" his wife says.

"I said but he's my husband, he's the father of this child. Why? You can't just take a man away from his family without saying why."

The truth was that neither officer knew. They, like the immigration minister, and the tribunal, have no idea about Asio's reasons for the security assessment. But his visa was still cancelled.

The toll it has taken on the family is enormous and was recognised in both tribunal cases.

Albaf said: "I have nightmares. I'm a grown woman and I have nightmares. I'm moving because I don't feel safe in my house."

"I'm moving because I have nightmares that Asio comes into my house in the middle of the night and takes my daughter away.

"I have nightmares that Asio comes in and plants things in my house. Because there's nothing in my house, because they want proof that my husband was a bad person."

El Ossman has launched a federal court challenge to the assessment. Because Australian law does not permit him to appeal Asio's decision on its merits, he is limited to questions of law, which can be more limited grounds of appeal.

Stephen Blanks, who is representing El Ossman, said the situation for non-citizens faced with adverse security assessments was a "very unfair situation".

"It makes it very difficult to challenge and it's terribly unfair, when somebody is deprived of their liberty but have no knowledge of who is making accusations against them or what they are," he said.

"The immigration minister has to revisit his policy that non-citizens who receive these assessments should have their visas cancelled.

“By all means monitor them, even impose some small conditions on them, but don’t take them from their family and all the support networks that make them productive members of our society.”

After a lengthy delay, El Ossman was given a carefully redacted version of Asio’s reasons. It raises far more questions than it answers. The heavily redacted assessment claims he “harbours extremist ideology” and maintains some form of unsatisfactory association with individuals “involved in activities prejudicial to security” but does not disclose any clear basis for the decision.

Asio says he was not truthful in his interview with some responses about Syria and his views on the conflict, and maintains associations with “extremist individuals”, but does not outline what it believes is the basis for this view.

The decision is particularly controversial because Asio had already given El Ossman three positive security assessments. It was only the fourth assessment that was found to be negative.

Asio’s security assessment procedures have come under scrutiny before. The auditor general previously released an audit that noted some operational failings “limit assurance that the agency is making sound assessments that result in non-prejudicial advice”.

When asked why they only recommended El Ossman have his visa cancelled now, after being in Australia for several years, Asio said: “Asio does not provide a recommendation on the detention or otherwise of the individual. Asio issues assessments based on its knowledge and information available at the time and in the context of the security environment at the time.”

Convicted offenders are placed in Blaxland to await deportation and El Ossman’s mental health has deteriorated since his placement there. The population of Villawood has radically changed over the last 18 months and is now increasingly criminals awaiting deportation rather than asylum seekers.

It also means that his family must undergo strict security screening on order to visit him and have to take their infant daughter into the detention centre on a regular basis.

“It’s not a place that you want to bring your child to. There’s people in there who have committed crimes,” Mariam Albaf said.

“They provide toys that are broken and that have been vandalised. They’re weapons, they’re not toys.”

When questioned about the basis for the placement decision, a spokesman for the immigration department would not comment on El Ossman’s individual placement. But he added: “Decisions on where to place individuals in the detention network are based on a number of factors, including criminal histories, operational requirements, security and welfare issues.”

“In circumstances where an unlawful non-citizen has been determined as presenting a risk to the community, they may be detained in a facility commensurate to the level of risk they pose.”

Serco did not respond to questions and referred questions to the immigration department.

Dutton has been talking up the government’s human rights record before the looming federal election after he announced it had released children from mainland immigration detention centres.

When asked about El Ossman’s case, a spokeswoman for Dutton asserted that the minister had nothing to do with the decision, because the decision was made by a delegate of the minister.

“The minister’s a very busy man, he doesn’t have time to look at every single individual’s cancellation,” she said. “You’re making it sound like he personally reached in and ruined this guy’s life.”

She added: “If you want to go in to bat for these people then that’s fine.”

<http://www.theguardian.com/australia-news/2016/apr/07/its-a-travesty-family-plead-with-peter-dutton-to-release-father-from-detention>

## **9. At least 196 asylum seekers granted community detention after protests**

Advocates report rush of people at centre of Let Them Stay protests freed in recent days, potentially giving them access to sanctuary promised by churches

The Guardian  
Helen Davidson  
Friday 1 April 2016 19.16 AEDT

More than half of the 267 asylum seekers at the centre of the Let Them Stay protests have been granted community detention, including all families, and more are being released every day, advocates say.

Advocates and lawyers report a rush of people freed in recent days, potentially giving them access to sanctuary promised by more than 100 churches across the country, should Border Force officials attempt to deport them back to Nauru or Manus Island.

At least 196 of the 267 asylum seekers, who have been in Australia for reasons including medical care and were party to the ultimately unsuccessful high court challenge to offshore detention, are now in community detention. It includes the families of the 37 babies born in Australia and another 54 children.

Daniel Webb, director of legal advocacy at the human rights law centre, said his clients were incredibly relieved and grateful, and one man had called him with excitement after going to a shopping centre.

“After three years in detention he was so excited just to see cars and buildings and families walking around together enjoying themselves. It was the first time I’ve ever heard any hope or excitement in his voice. Most of all, I heard relief,” he said.

“This is an important first step towards compassion and decency. The next step is to allow these families to have their refugee claims processed here and to let them begin rebuilding their lives – they have so much to contribute.”

The vast majority of the group have been released since the nationwide Let Them Stay protest campaign began.

“This is the first positive step we have seen toward people seeking asylum in a long time,” said GetUp’s human rights director, Shen Narayanasamy.

“It shows that the government is listening to the shifting community sentiment on this issue.”

Still in detention from the high court group are three couples, seven single women, 39 single men, five mothers plus their adult child, and one couple plus their adult daughter.

An undertaking by the federal government during the high court case to give at least 72-hours’ notice ahead of any transfer to Nauru or Manus Island remains in place.

It’s not clear where in Australia those released have been placed.

Advocates have noted that those people with freedom of movement could potentially seek sanctuary in one of more than 115 churches who have pledged to provide “protection” under the biblical concept.

Last month hundreds of people took part in “sanctuary training” sessions to learn how to resist attempts by Border Force officers to detain asylum seekers seeking protection in one of the churches.

“If the government now tries to deport these vulnerable people back to Nauru, over one hundred churches stand ready to provide sanctuary,” said Narayanasamy.

Guardian Australia this week reported the oldest woman in Australia’s detention system had been released from Wickham Point in Darwin with her two adult children, and moved into the community in another city.

In February, a baby known as Asha and her family were released into the community after doctors at a Brisbane hospital refused to discharge her if she was going to be sent back to Nauru.

A minority of asylum seeker detainees in the Australian system have been granted community detention under a residence determination, supported by welfare and non-government agencies.

At the end of last month there were 576 people in community detention, according to the Immigration Department. A further 28,738 were living in the community on bridging visas.

The Department of Immigration has been contacted for comment.

<http://www.theguardian.com/australia-news/2016/apr/01/at-least-196-asylum-seekers-granted-community-detention-after-protests>

## **10. Let Them Stay labelled a success, more than half of 267 asylum seekers in community detention**

ABC Radio CAF - AM

By Thomas Oriti

Posted Sat 2 Apr 2016, 9:55am

More than half the 267 asylum seekers at the centre of "Let them Stay" protests have been granted community detention, including all families.

Refugee advocates have labelled the campaign a success, despite the Human Rights Law Centre losing a High Court battle, which found the Federal Government's offshore detention regime at Nauru and Manus Island was lawful in February.

The centre's director of legal advocacy, Daniel Webb, said he thought the Government would act quickly by returning a group of asylum seekers who had travelled to Australia temporarily, many for medical assistance.

"The group included 37 babies who were born here; 54 children, many of whom were going to school here; and mothers and fathers who really deserve a chance to rebuild their lives here," Mr Webb said.

But two months on, they remain here, with more being released every day.

Mr Webb said some were experiencing freedom for the first time.

"This is an important first step towards some compassion and decency, and a sign that they will be given the chance to begin rebuilding their lives in Australia," he said.

"I think the Government has listened. As disappointing as that High Court decision was, the public response to the plight of these people has been incredible."

### ***Asylum seekers 'have access to church sanctuary'***

Advocacy organisation GetUp! launched its Let Them Stay campaign in the wake of the High Court ruling.

GetUp! human rights campaign director Shen Narayanasamy said community sentiment is shifting on the issue.

"There was unprecedented support. You saw over 100 churches declare that they would defy the Federal Government and offer sanctuary to these people," Ms Narayanasamy said.

"And I think when you have people like the churches and the doctors and other standing up — everybody from all walks of life — the Government really does have no choice but to listen to that overwhelming sentiment."

The asylum seekers now have access to the sanctuary offered by the churches, lawyers said.

But Mr Webb said the situation was not ideal for the asylum seekers, who are unable to work and have no idea about their future.

He said the Government should be providing certainty.

"These families are by no means out of the woods yet," he said.

"They are still at risk of deportation back to harm. Their lives remain in our Government's hands.

"Their hope and our hope is that their release into the community suggests that they're on a different pathway, that actually our Government is going to treat them with decency and respect, and allow them to begin rebuilding their lives right here."

But a spokesman for Immigration and Border Protection Minister Peter Dutton told Saturday AM the asylum seekers were in Australia because some are still receiving medical treatment, and legal proceedings remain on foot.

According to the Human Rights Law Centre, those proceedings relate to the right for each person to have at least 72 hours' notice before they are removed.

Mr Dutton's spokesman said they will all return to Nauru once their matters have been resolved.

<http://www.abc.net.au/news/2016-04-02/let-them-stay-labelled-success-asylum-seeker-community-detention/7294456>

## **11. 'Now we have a home': Babies bound for Nauru taste freedom in the suburbs**

Sydney Morning Herald  
April 1, 2016 - 4:02PM  
Michael Gordon

Two months ago, Samuel\* was among 37 babies facing imminent removal to a life in limbo on Nauru. That was when his picture, and images of many of the others facing removal, appeared on the front page of Fairfax Media newspapers.

More than 50 older children, who had all flown to Australia in family groups because they, or a parent or sibling, needed medical treatment were similarly slated for a swift return to the remote, tiny dot of a country in the Pacific Ocean.

Now they are all out of the mainland detention centres and enjoying the first taste of the freedom their parents were seeking when they sought refuge in Australia.

This is a victory for people power, in the form of the Let Them Stay campaign waged by the advocacy organisation GetUp! and the Melbourne-based Human Rights Legal Centre.

The campaign saw around 115 church groups offer sanctuary to asylum seekers if there was an attempt to force them back to Nauru, school principals and doctors speak out and state premiers declare a willingness to settle the families and children.

It is also a victory that just might reflect Malcolm Turnbull's intention to inject a measure of compassion into Tony Abbott's uncompromising border protection regime. We'll see.

But it is only a qualified victory, because the threat of return still hangs over the 148 people who have been released into the community since the campaign began with a High Court defeat – and 71 of the asylum seekers brought back to Australia for medical treatment remain in detention.

The threat of return to the place she says terrifies her prompts Samuel's mother to cry in the midst of an interview with Fairfax Media.

Naomi\* says she still has nightmares about her year on Nauru and will fear being sent back "until the end of our life".

The difference between what she and her husband endured on Nauru and life in Sydney in the last three weeks, she says, is near impossible to describe.

"There are a lot of good things. If I tell them, one by one, it will take a long time," she says.

"One is that we don't see (security) officers. We can leave when we wish. We can go shopping. We couldn't do so in detention centre."

And Samuel? "He is very happy. He loves the food I am fixing. He didn't love the food in detention centre. Before we had only one very small room and he couldn't play. Now we have a home."

Before the High Court ruled against a challenge to government's offshore detention regime, Immigration Minister Peter Dutton announced that the transfer of the babies and children to Nauru would leave just seven children in detention in Australia – a number he was determined to reduce to zero.

"The majority of remaining children in detention are due to return to Nauru and the other few remaining cases are the most difficult, where there may be a security issue with the parent for example," he told The Daily Telegraph on January 18.

Now he is on track to achieve his zero children in mainland objective, without sending scores of babies and children to Nauru.

GetUp!'s human rights campaign director, Shen Narayanasamy, has no doubt the overwhelming reason for this is the public campaigning of thousands of people across the country.

The Human Rights Law Centre's director of legal advocacy, Daniel Webb, agrees, saying the campaign mobilised new sections of the community "by making clear that, for all the white noise about borders and boats, this is actually about people".

"Four months ago I sat opposite many of these people as they cried and told us of the horror of their indefinite detention, and their fears of a return to Nauru," Ms Narayanasamy says.

"We are thrilled to see Mr Turnbull take a step towards a more compassionate approach by releasing many of these people into the community."

Among those still in detention is a 29-year-old Iranian who was transferred to Australia because suffered debilitating headaches on Nauru. In detention in Darwin, the headaches continue.

A qualified welder and talented artist, he says: "I would love to be in community and be a part of community. I'd love to be useful for Australian people."

Among those released is a Sri Lanka mother and her three sons whose boat was intercepted at sea. The family were among those held for 29 days on a Customs ship before arriving at the Cocos Islands and being transferred to Nauru last August.

The mother suffered horrific burns before fleeing Sri Lanka that were aggravated by the heat and humidity of Nauru. Now she is preparing to celebrate her eldest boy's 13th birthday and is overwhelmed by the kindness of her new neighbours.

For several months, the boys were taken to school from the Broadmeadows detention centre in a white van and escorted to the gates by burly security guards. Now, they either walk unaccompanied or ride their scooters.

Paul Dingle, the principal of Glenroy College, where the two older brothers are students, was among those to speak out in support of the family and the other asylum seekers facing removal to Nauru. He describes their release into the community as a great outcome.

"Maybe this is a little bit about compassion winning through," Mr Dingle says. "It's a good move and hopefully we can continue to build on it."

\* Not their real names

<http://www.smh.com.au/federal-politics/political-news/now-we-have-a-home-babies-bound-for-nauru-taste-freedom-in-the-suburbs-20160331-gnvns.html>

## 12. Last children in detention released from mainland centre in Darwin

ABC News Online

First posted Sun 3 Apr 2016, 7:46am

Updated Sun 3 Apr 2016, 10:57am

The Federal Government has confirmed the last group of children held in mainland immigration detention have now been released into the community.

The children, including a 17-year-old, a toddler and a baby, were released from a facility in Darwin about 7:00pm on Friday, a spokeswoman for Immigration Minister Peter Dutton said.

The children had been on the mainland while older family members received medical treatment.

They were due to return to detention on Nauru, but pressure from human rights groups appears to have influenced their fate.

Mr Dutton said it had been a significant accomplishment of his Government that there were now no children in mainland detention centres.

However, he said applications regarding all the children now in the community still had to be determined by the Government.

"Obviously Australia has one of the highest number of refugee settlement programs in the world," he said.

"But we have a look at each case and if people aren't owed protection, then we offer that place to someone who is owed protection and we don't allow people to stay who haven't been able to make a claim.

"We make sure that those people can return back to their country of origin as quickly as possible."

About 50 children remain in detention on Nauru.

### ***Children may still be forced to leave Australia***

Prime Minister Malcolm Turnbull said it was a "great achievement" there were no more asylum seeker children in Australian detention centres.

But he said authorities are still mindful of the threat posed by people smugglers.

"We've got to recognise that people smugglers are very agile, these are the worst criminals, but they're very quick and they're very agile," he said.

Refugee advocates have welcomed the release of the children, but Natasha Blucher from the Darwin Asylum Seeker Support and Advocacy Network said their future is still uncertain.

"Because of the way the law is set up, because of Australia's policy [and] because of their date of arrival in Australia they're not eligible to apply for protection in Australia, so they do remain essentially in limbo until we see a change of legislation and a change of our policy," she said.

Mr Dutton said some of the children released may still be forced to leave Australia pending the outcome of their claims. "In some cases there are complicated family mixes and other elements, including whether or not ASIO may have an interest in a father or a brother, [or] if there are security concerns, or if there have been crimes committed in the community," he said.

"They are very complex cases that we have to deal with and each of them is looked at on their merit individually."

<http://www.abc.net.au/news/2016-04-03/last-children-in-mainland-detention-released-into-community/7295044>

## 13. Asylum seeker children still in detention despite claims all have been released

Exclusive: Peter Dutton tells News Corp all children released after immigration department reclassifies sections of centres as 'community detention'

The Guardian  
Ben Doherty  
Sunday 3 April 2016 13.11 AEST

The government has reclassified sections of detention centres as "community detention" in order to be able to claim that all children have been released from immigration detention.

The immigration minister, Peter Dutton, announced on Sunday there were no children left in detention, but a source within his department told the Guardian the "release" was "more bureaucratic sleight of hand than emancipation".

As an example, families with children in "held detention" in the family compound of Villawood detention centre were told by letter on Friday that their detention was now classified "community detention".

They have been "released" from detention without moving.

Restrictions on movement have been eased – children no longer require guards to escort them to school – but families remain behind a steel fence. The alarm on the fence has been disabled and a gate opened, but people need permission to stay elsewhere overnight, or have overnight visitors.

Dutton told News Corp on Sunday that all children who had arrived irregularly in Australia by boat had been released from detention.

"It's been almost a decade since there were no children in detention," Dutton said. "On Friday night, when I got the call, it was something I was proud of."

News Corp reported the claim without question.

"It has always been a goal [of the immigration minister] ... to get kids out of detention," the prime minister, Malcolm Turnbull, told Sky News on Sunday.

Guardian Australia is aware of several families with children having been told their circumstances – while largely unchanged – no longer constitute detention.

Meanwhile, the fortnight-long protests waged by refugees and asylum seekers in Nauru continue.

On Saturday night, a 19-year-old woman attempted suicide by drinking shampoo and was taken for medical care.

Seven teenaged boys, including, reportedly, the woman's brother, climbed the roof of a tent in RPC3, chanting "freedom" and demanding to speak with immigration.

Security guards on the island turned off the lights to stop photos being taken, as the boys were threatening to jump.

The boys wrote a letter requesting a meeting with immigration officials and climbed down after guards agreed to ask immigration to meet with them.

Protests on Nauru continue over conditions in the processing centres and the long-term future for those found to be refugees.

Nauru has consistently refused to resettle refugees permanently and Australian government efforts to resettle refugees in third countries have foundered.

The Cambodian resettlement scheme – slated to cost \$55m – has resettled only two people.

<http://www.theguardian.com/australia-news/2016/apr/03/asylum-seeker-children-still-in-detention-despite-claims-all-have-been-released>

## 14. Michael Gordon: Time for a new conversation on asylum seekers

Sydney Morning Herald  
April 1, 2016 - 4:30PM  
Michael Gordon

It wasn't just a good story; it was a good news story, and it was offered on a platter as an exclusive. But my initial reaction was a reluctance to pursue it. "Give me an hour to think about it," I told my source.

The story, which is now published on Fairfax Media websites, was the revelation that all the babies and children who seemed certain to be flown to Nauru back in February were now living in the community in various suburbs around Australia.

This was good news, and a reflection of the success of the Let Them Stay campaign that has seen, among other things, church leaders and parishioners risk criminal sanctions and raids by promising sanctuary to asylum seekers.

So why did I hesitate? First, it remains the Turnbull government's stated intention to return people to Nauru and Papua New Guinea's Manus Island once they have received the medical treatment that required their transfer to Australia.

Shining a light on a reality at odds with the government's uncompromising, hardline border protection policy carries the real risk that the government will feel compelled to demonstrate that nothing has changed.

Second, the story could send the wrong signal to those who are now into their third year of detention on Manus and isolation on Nauru – that acts of self-harm that are serious enough to require medical evacuation are their only hope of escape. Not a good message.

Third was the worry that the story would make it less likely that the government will extend its compassion to more than 70 others who were transferred to Australia for medical attention they are receiving while in mainland detention centres. Among them are some who are still suffering from brutal bashings when the Manus centre was invaded in February 2014 and Iranian asylum seeker Reza Barati was killed.

My final reservation was that this news does nothing to change the situation of more than 900 men in the Manus detention centre and almost 500 men, women and children who remain in the Nauru processing centre – many of them at breaking point.

In one sense, the news has the potential to aggravate their sense that they are being singled out for punishment while others in identical situations, who arrived at Christmas Island on a different day or in a different boat, are able to at least begin the process of rebuilding their lives in Australia.

Nor does it change the situation of the many thousands of asylum seekers in the Australian community whose claims have not yet been processed and who face years of waiting for the prospect of permanent settlement and family reunion.

So why run with the story? The case for publishing boiled down to a single word: transparency. It is remarkable that the children and their families have been released into the community and it does reflect the power of public advocacy. One of the first to speak out, the Anglican Dean of Brisbane, Peter Catt, says the story tells us something wonderful about "Australia's better angels".

Just as global opinion was shaped by the haunting image of a toddler washed up on a beach in Turkey, our front-page treatment of pictures of the babies facing removal to Nauru was the catalyst for action on a national scale by religious leaders, teachers, doctors and even premiers.

But will this be a fleeting, aberrant positive moment in the overwhelmingly bleak story of Australia's treatment of those who seek protection by coming on boats without an invitation? Or will it be a tipping point?

The danger is that it will be the former unless the major political parties and the key players in the debate have the appetite for a new conversation about alternatives to arbitrary and indefinite confinement of asylum seekers in poor, remote islands.

The starting point for such a conversation is for refugee advocates to accept that the total dismantling of the policies that "stopped the boats" is not an option, and for the major parties to accept that the status quo is simply unsustainable – and to discard the view that compassion represents a "green light" to people smuggling.

It took four years for the Howard Government to accept that indefinite detention of asylum seekers on Nauru was not an option and to agree to resettle the last of the Pacific Solution caseload. The catalyst for this decision was a report from a psychiatrist that said the asylum seekers had been suffering mental health problems "for several years" and should be removed "from this kind of environment and atmosphere of consistent hopelessness" at the earliest possible opportunity.

The situation of many of those in detention on Manus, in particular, has already reached this point – and it is certain to deteriorate further with moves by the PNG government to separate asylum seekers according to their refugee status with a

view to releasing refugees into the community and deporting those whose protection claims are rejected. Two options so replete with dangers that they are not viable.

While the picture on Nauru is far more complex, the lack of a durable solution, in the form of the prospect of permanent resettlement in a country where there is potential to rebuild broken lives, is producing the same dire mental health outcomes.

So we can trundle along, hoping for small cracks of light here or there, or we can see events at home and abroad as opening the way for a new approach or, at least, a new conversation.

Just as the release of the children and families shows compassion can be compatible with secure borders and orderly migration, the recent meeting of ministers under the Bail Process, co-chaired by Australia's foreign minister Julie Bishop, suggested an openness to greater regional co-operation.

Travers McLeod, of the Centre for Policy Development, says the meeting provides "a genuine opening" for building a regional approach to forced migration that is effective, dignified and durable: "The challenge now is for leaders across the region to deploy this new capability and make a difference in responding to mass displacement in the long term, instead of letting short-term thinking dictate counterproductive national responses."

If incentive to act is needed, it can be found in the words of Benham Satah, who witnessed Barati's killing, suffers from post traumatic stress disorder and has been in the Manus detention centre for more than 30 months. "What is our crime? We have millions of 'whys' for which there is no answer. Please stop all of this. It's enough!"

*Michael Gordon is political editor of The Age.*

<http://www.smh.com.au/comment/time-for-a-new-conversation-on-asylum-seekers-20160401-gnvxzc.html>

## **15. Lingering questions over claims of freedom for detention centre children**

The Age  
April 4, 2016 - 8:33AM  
Michael Koziol  
- with Jane Lee

The federal government has celebrated the release of the last children from Australia's mainland immigration detention centres, despite lingering questions over how much freedom some families have been awarded.

On Sunday, Immigration Minister Peter Dutton said he felt "a great sense of achievement" at having moved into the community the final 43 children who were held in onshore detention at the end of February. About 50 children also remain in detention on Nauru.

He rejected a report published by Guardian Australia suggesting the government had simply reclassified sections of detention centres as "community detention" in order to make the claim.

"The same definitions apply today as they did before," Mr Dutton said. "There are certain characteristics that need to be met in relation to all these definitions, but that's all beltway stuff."

Pushed on the question of whether the children were really out of detention, he told reporters: "They're outside of 'held detention', so that's the answer that I've provided to you before."

Fairfax Media understands that in at least one case, a family remains in immigration-controlled residential housing near the Villawood detention centre in Sydney, but they have been granted free movement. It is understood the children's father remains detained at Villawood due to an adverse security finding by ASIO.

In respect of those circumstances, a spokeswoman for the minister told Fairfax Media: "There are arrangements that have been put in place. Those arrangements now sit with the fact that it's community detention."

Mr Dutton's office did not respond to requests for further clarification on Sunday. On Monday morning the minister told ABC radio the special arrangements described above only involved one family, located at Villawood.

Before the 2013 election, the number of incarcerated children peaked at close to 2000, in what the government argues is the shameful legacy of Labor's failed border protection policies.

Those families who have been released from "held detention" are now in community detention, which means they reside in community housing at a specified address, but are generally free from physical supervision. Legally, they remain in immigration detention and the responsibility of the minister.

Australian Human Rights Commission president Gillian Triggs said she "warmly" welcomed the announcement, while Prime Minister Malcolm Turnbull said it was the realisation of a long-held government priority.

"The real message here is that we have stopped the boats," he said.

But the threat of return to Nauru still hangs over about 150 people, including children and their families, who were transferred to Australia for medical treatment. And 50 minors remain in Australia's offshore detention facility on Nauru, in conditions the United Nations has described as "harsh" and short of international standards. There are no children in detention on Manus Island, according to the most recent department statistics.

Refugee Action Coalition spokesman Ian Rintoul welcomed the development but described it as a "really qualified shift" from the government.

"There's a bit of administrative sleight of hand," he said. "The position of people who remain in community detention is no clearer."

Mr Rintoul said he still had "enormous concerns" about the future of families in community detention, particularly those who could be returned to Nauru.

Greens Senator Sarah Hanson-Young called on Mr Turnbull to rule out returning any children to Nauru and to close the detention centre on the island nation.

"Clearly, Malcolm Turnbull is seeing that the Australian public don't want to see children being used in this political point-scoring game on who can be toughest on refugees," she said. "In order to pay proper credit to that, he must close Nauru and bring all of those families and those hundreds of children here to Australia."

<http://www.theage.com.au/federal-politics/political-news/lingering-questions-over-freedom-for--detention-centre-children-20160403-gnx858.html>

## **16. Two children remain in immigration detention, despite government claims to have freed them all**

The Age  
April 6, 2016 - 1:02PM  
Nicole Hasham

Two children remain behind wire in Australian detention centres, despite Immigration Minister Peter Dutton claiming all had been freed in one of his government's "most significant achievements".

Just days after Mr Dutton announced to News Corp's Sunday newspapers that there were "no children in detention" for the first time in almost a decade, Fairfax Media has learned that in fact two children have not been released.

One is understood to be a 15-year old from a European country. Details of the other child are not known.

Asked about the case, a spokeswoman for Mr Dutton confirmed on Wednesday "there are two non-IMA [illegal maritime arrival] children on a removal pathway in immigration detention".

This is despite Mr Dutton on Sunday declaring "a very significant day because the government is very proud of the fact that we've been able to get kids out of detention".

"We promised that we would get kids out of detention and we have delivered on that promise," he said in a doorstep interview.

"I said that I wanted to be the minister who stopped the boats and to be the minister who got the kids out of detention, and to do that is personally satisfying, but I think it's a milestone for our country as well."

On Wednesday Mr Dutton's spokeswoman said the government had released from held detention all children who arrived by unauthorised boat, who had "long-term ongoing immigration matters".

"[But] there will be on occasions some people with children who transit through immigration detention – this can be due to airport turnarounds or people who are in the final stages of removal from Australia," she said, citing the two children who remained in detention.

Migration agent Marion Le, who is acting for the 15-year-old, said Mr Dutton had not been truthful.

"It's a dishonest statement to say all children have been released from detention, when in fact at that time my client was [recently] removed from one detention centre and taken to another," she said, adding he was being held with his father.

"He is 15 and still in detention. We don't know how many children remain in detention who came from other means [aside from unauthorised boat]."

Ms Le declined to publicly identify her client or say what detention centre he was held in, saying he faced a "really serious situation".

Doubt had already been cast over the government's claims to have freed all children from detention, after Guardian Australia reported that authorities had simply reclassified sections of detention centres as "community detention" in order to make the claim.

Other critics pointed out that many children remain confined at Nauru, where the government funds a detention centre.

<http://www.theage.com.au/federal-politics/political-news/two-children-remain-in-immigration-detention-despite-government-claims-to-have-freed-them-all-20160406-gnzl98.html>

## **17. Asylum seeker children pledge fulfilled 'in spirit and deed': Peter Dutton**

Two children still in detention but they did not arrive by boat so were not subject to his promise, minister says

The Guardian  
Shalailah Medhora  
Friday 8 April 2016 12.02 AEST

The government has fulfilled its pledge "in spirit and in deed" to get all asylum seeker children out of immigration detention despite at least two children still being held, according to Peter Dutton.

The immigration minister acknowledged there were still two cases in which asylum seeker children remained in detention but he said they had not arrived by boat so were not subject to his promise.

"Our pledge to get kids out of detention who arrive by boat has been met and honoured in spirit and deed," he told Sky News on Thursday night.

Earlier on Thursday he told 2GB Radio: "All the discussion has been around kids in detention from Nauru, people coming off boats. Children who came off boats are now out of detention."

People who overstayed their visas or arrived in Australia by plane would still be placed in immigration detention before being deported, he said. "You'll have people cycling – including some kids – that will cycle through detention until they can be departed otherwise you'd never find them out in the community."

Dutton's office on Wednesday confirmed the two children were on a "removal pathway in immigration detention". It came days after the immigration minister announced there were no more asylum seeker children in detention.

But Guardian Australia was told the announcement was a result of reclassifying some sections of Sydney's Villawood detention centre so that they were deemed "community detention".

Dutton backed his government's border protection policies, saying only the Coalition had managed to stop the flow of asylum boats and avoid deaths at sea.

He said the opposition leader, Bill Shorten, did not "have the capacity to keep this policy in place", but backed the Malcolm Turnbull's commitment to border protection.

"He has had the same resolve as Scott [Morrison], Tony [Abbott] and I have had in relation to stopping the boats, and therefore the real contrast comes down to, what would Mr Shorten do," Dutton asked.

<http://www.theguardian.com/australia-news/2016/apr/08/asylum-seeker-children-pledge-fulfilled-in-spirit-and-deed-peter-dutton>

## **18. About 90 asylum seeker children in Australia to be returned to Nauru, Peter Dutton confirms**

ABC News Online  
By political reporter Stephanie Anderson  
First posted Mon 4 Apr 2016, 12:50pm  
Updated Mon 4 Apr 2016, 12:58pm

Immigration Minister Peter Dutton has confirmed dozens of children will be returned to Nauru, one day after announcing there were no children in mainland detention.

The Federal Government yesterday announced no asylum seeker children remained in Australian detention centres, with the final children being released from Darwin on Friday evening.

About 50 asylum seeker children remain on Nauru.

The ABC understands on the same day the last children in Australia were freed, an Immigration Department facility directly outside Villawood Detention Centre had locks removed and security altered.

Its residents have now been given the same freedoms as those in community detention.

But approximately 90 children currently in Australia are due to be sent to Nauru, following a High Court decision earlier this year.

Mr Dutton told the ABC the Government's policy had not changed in relation to the children, who are currently in Australia either for medical treatment or accompanying a family member to hospital.

"[They are] all subject to go back to Nauru once medical support has been provided and we've been very clear about that," he said.

"We're happy to make third-party arrangements, we offer settlement packages and talk individually with the families."

Mr Dutton said resettlement in Cambodia would be offered, urging people to deal with facts, "not the emotion".

Greens immigration spokeswoman Senator Sarah Hanson-Young called on Mr Dutton to rule out sending children in Australia back to Nauru.

"While it's good to see the Government being forced into releasing children from detention, it means nothing while the Minister plans to send them back to Nauru," she said.

"Peter Dutton should allow these families and children to apply for visas in Australia, so that they can get on with rebuilding their lives in safety."

<http://www.abc.net.au/news/2016-04-04/about-90-children-to-be-returned-to-nauru-peter-dutton-says/7297320>

## **19. MEDIA RELEASE: Tensions high on Manus Island ahead of transfer deadline**

Refugee Action Coalition  
Wednesday April 6, 2016  
Ian Rintoul  
mobile 0417 275 713

Extra police, some believed to have been brought from Rabaul, have been patrolling the perimeters of the detention compounds on Manus Island ahead of today's deadline for transfers between compounds to separate those found to be refugees from those who have so far received negative determinations.

Immigration and Broadpectrum have stated that they intend to house refugees on Oscar and Delta compound while those who have negative determinations will be housed in Mike and Foxtrot.

At meetings with detainees last week, PNG immigration said that people who refused to be transferred could be forcibly moved.

Yesterday (Tuesday, 5 April), those with negative determinations in Delta were given notices saying they were to be at the gate of the compound at 8.00am. It is not known, how many, if any, were at the gate this morning.

In Mike Compound, those found to be refugees were given notices to be at the Mike gate at 1.00pm.

It is believed that Delta negative guys are to be moved to Foxtrot and while Oscar negative detainees will be moved to Mike.

While there have been some voluntary transfers of negative in the last few days, it is understood that many will resist the transfers.

The prospect of forced transfers has raised fears of a repeat of the brutality unleashed on detainees in 2015, when a mass hunger strike by detainees stopped the transfer of refugees to housing outside the detention centre.

"The police patrols are clearly designed to intimidate the asylum seekers and refugees to accept the division of the camp," said Ian Rintoul, spokesperson for the Refugee Action Coalition. "Immigration want to divide the camp so they can put even more pressure on refugees to move out of the camp. Refugees are already denied points that they can use at the canteen. Being separated will leave both positive and negative groups even more vulnerable."

One Iranian man who self-harmed in Mike Compound was taken to the medical clinic last night (Tuesday, 5 April).

The move to separate the camp comes as the PNG and Australian governments face of a Supreme Court constitutional challenge to the Manus Island detention centre. The challenge is scheduled to be considered in the full Supreme Court sittings in late April.

For more information contact Ian Rintoul 0417 275 713

## **20. Tensions high at Manus Island detention centre over plan to forcibly separate asylum seekers**

The Age  
March 31, 2016 - 8:34AM  
Michael Gordon

A plan to separate asylum seekers according to their refugee status has inflamed tensions at the Manus Island detention centre in Papua New Guinea, sparking fears of a confrontation between security guards and detainees.

The PNG government has confirmed it intends to "accommodate the cohorts separately" to prepare them to leave the centre after June 30.

"Separate accommodation will enable us to provide services and support appropriate to each cohort's immigration status," said Esther Gaegaming, PNG's deputy chief migration officer.

"Refugees will be provided assistance to settle elsewhere in PNG. Non-refugees will be provided assistance to return to their country of origin, consistent with international practice."

Refugees are expected to resist the plan, fearing for their safety if they are released into the PNG community, while those whose claims are rejected insist they cannot return to the country they fled.

Fairfax Media has been told that the small number of refugees who have been resettled in the country's second-biggest city, Lae, have witnessed violence and say they are not safe. At least one is believed to have returned to Manus Island.

Confirming the PNG government's intention to close the centre, Ms Gaegaming said all refugee status "initial assessments" for asylum seekers would be completed by March 31, with final determinations, including independent review for negative cases, by June 30.

It is unclear what the announcement means for around 60 asylum seekers who have refused to accept processing in PNG in protest at being forcibly transported there from Australia.

"The purpose of the Manus Regional Processing Centre is for the processing of refugee claims. That processing will soon be finished," Ms Gaegaming said.

The Sydney-based Refugee Action Coalition has expressed alarm about the plans, saying a majority of the more than 900 detainees have already decided they will not cooperate with any attempt to force them to move compounds.

The coalition's Ian Rintoul claims the PNG government is attempting to resolve the detention and resettlement issues before a Supreme Court challenge to the Manus Island detention centre, scheduled for the end of April.

One of the witnesses to the killing of Reza Barati during riots at the centre in February 2014, Benham Satah, has urged fellow detainees to remain calm and peaceful. "Don't have fear. Don't resist anything," he wrote in a Facebook post.

Mr Satah says the forced separation of asylum seekers from those who have supported them will exacerbate the deterioration in the mental health of those he says are already at breaking point.

Greens senator Sarah Hanson-Young has called on the Turnbull government to clarify what is happening inside the centre.

"We should be processing people's claims for asylum and bringing those who need protection to Australia, so that they can integrate into the community and put their lives back together in safety," Senator Hanson-Young said.

<http://www.theage.com.au/federal-politics/political-news/tensions-high-at-manus-island-detention-centre-over-plan-to-forcibly-separate-asylum-seekers-20160330-gnumzz.html>

## 21. Manus Island asylum seekers, refugees separated to prepare to leave detention centre

ABC News Online

By Papua New Guinea correspondent Eric Tlozek

Posted Wed 30 Mar 2016, 11:46am

Papua New Guinea's Immigration Department has said it is moving asylum seekers and refugees at the Manus Island detention centre to help them get ready to leave.

The PNG Immigration and Citizenship Service Authority (PNGICSA) confirmed the 850 detainees in the Australian-funded centre were being separated based on whether their refugee claims had been accepted.

"Separate accommodation will enable us to provide services and support appropriate to each cohort's immigration status," PNG's Deputy Chief Migration Officer Esther Gaegaming said in a statement.

"Refugees will be provided assistance to settle elsewhere in PNG. Non-refugees will be provided assistance to return to their country of origin, consistent with international practice."

Ms Gaegaming confirmed asylum seekers had been given deadlines for the processing of their refugee claims.

"The purpose of the Manus Regional Processing Centre is for the processing of refugee claims," she said.

"That processing will soon be finished.

"All refugee status initial assessments for asylum seekers at the Manus Regional Processing Centre will be completed by March 31.

"All refugee status determinations, including independent review for negative cases, will be finalised by June 30, 2016."

Of the 850 men in the Lombrum detention centre, 389 have been found to be refugees.

A further 59 refugees are being housed at a "transit centre" on the island, which is meant to prepare them for life in Papua New Guinea.

### ***Refugees fear for safety***

Some refugees in the detention centre have been refusing to leave because they do not believe PNG is a safe place to be resettled.

But refugees have now been told they can no longer stay in the centre.

"The Regional Processing Centre is not designed to be a suitable location for the settlement of refugees," Ms Gaegaming said.

"Refugees are not detained. They are free to depart from the Regional Processing Centre and start settling at any time."

Only five men have accepted jobs and left Manus Island.

One had left his job and was sleeping rough on the streets of Lae before being taken in by a church, but others are working in a range of jobs.

<http://www.abc.net.au/news/2016-03-30/manus-island-asylum-seekers,-refugees-on-the-move/7284960>

## 22. PNG officials find half those detained on Manus Island to be refugees

Rush of refugee claim processing after detainees were told applications would no longer be accepted after 31 March

The Guardian

Helen Davidson

Friday 8 April 2016 13.31 AEST

Papua New Guinea officials say they have finished processing refugee claims at the Manus Island detention centre, finding about half to be refugees.

The rush of processing was revealed last week, when detainees were told applications would no longer be taken after 31 March, and anyone whose claim was rejected was to go home or be deported.

It comes amid tensions in the other Australian-run offshore immigration centre on Nauru where allegations of assault on Wednesday night continue.

Manus detainees with positive determinations were to be separated in the camp before moving to a transit centre and then resettlement in PNG. It is alleged inducements were offered and threats of force made to encourage cooperation.

Some Manus detainees had said they would resist separation, and there were claims of altercations as people were crowded into rooms and prayer spaces, but on Friday the centre was reported to be calm.

While most people are believed to have already been moved into different camp areas, PNG immigration minister, Rimbink Pato has said all refugees and non-refugees would be accommodated separately from 6 June.

Guardian Australia was told by several detainees that a large number of men intended to resist, including a group of about 60 who refused in protest to submit their claim.

Pato said all applications – aside from those under appeal – had been completed, and 450 of approximately 800 approved, the ABC reported.

PNG's determination system has been criticised in the past, and an analysis of data from the Australian immigration department last month revealed just 58% of claims made to it were approved, compared to 85% in the Nauru processing centre, raising questions about the fairness of the PNG system.

The move follows comments from PNG prime minister Peter O'Neill to the Australian National Press Club last month that PNG authorities were reassessing the number of people who would be resettled because the government did not have the financial resources to resettle all 916 in the centre.

Those from the Manus centre found to be refugees will move into the PNG community. Several who had already moved to the capital Port Moresby, or the next biggest city Lae, have said they are struggling without employment or support. Guardian Australia was told four men had recently returned to Manus from Port Moresby, claiming they were not safe and seeking re-entry to the centre.

Another refugee, 20-year-old Loghman Sawari told Guardian Australia in February that he had been left homeless in Lae after a pay dispute and an altercation with his housemate which he said was motivated by his status as a refugee.

Pato said the centre will remain open "for as long as it is required".

"However, its purpose is for refugee processing – it is not designed or intended for people to stay there indefinitely," he was quoted as saying in an ABC report. "We want people to move on with their lives."

Meanwhile on Nauru, detainees are standing by their allegations that guards assaulted people, allegedly including children, during a disturbance on Wednesday night.

The immigration department has denied the claims, but confirmed two detainees were treated for injuries after the incident, and that seven staff members were injured "while attempting to restore order to the centre and protect other residents, transferees and staff from injury".

Detainees said the altercation began after a group of teenage boys – who had been protesting on the roof of a tent for some days – met with a Border Force official who reaffirmed they would not go to Australia despite their belief it was unfair because a number of people there on medical transfer had been given community detention.

One witness said the boys grew frustrated after the officer left, and punched the wall, prompting guards to enter and "hold and hit them".

The immigration department initially declined to address the allegations, confirming only that a disturbance had taken place, two people were injured, and Nauruan police attended.

Later on Thursday a second statement labeled the detainees' allegations that guards assaulted women and children as "false", and said seven staff members had been hurt.

Speaking to ABC radio's PM program on Thursday, immigration minister Peter Dutton dismissed the assault allegations, based on the lack of advice he had received which supported it.

He said there was "a lot of misinformation being peddled", and videos purportedly from inside the centre were "a complete outrage."

"Because there is no evidence that people are being assaulted there, that's not the advice that I've received," he said.

Dutton was asked by ABC radio presenter Mark Colvin to “definitively” clarify his response to reports there were children involved in the disturbance.

“I’m not advised there were children involved,” he said.

Guardian Australia has been sent photographs of injuries in both adults and children, but is unable to verify how those injuries took place. The detainees have lodged a complaint standing by their allegations, which they describe in the form.

“I went to take water for my mom and sister but securities didn’t let me take water and after that I threw the chair to reach water and then a security guard held me from my back from my neck,” wrote one about an alleged incident after the disturbance had spread to the main camp.

“Then my friend ... tried to help me but that bald security started hitting [my friend]. Then I went another place to take water for my mom, I was just standing but a security punched me and when he pushed me I hit the wooden table with my mouth and I fell down. Then the security say on me.”

The detainees requested Wilson Security to investigate the incident.

Dutton’s office has been contacted for comment.

<http://www.theguardian.com/australia-news/2016/apr/08/png-officials-find-half-those-detained-on-manus-island-to-be-refugees>

## **23. New Zealand detainee dies in Villawood immigration detention centre**

ABC News Online

By political reporter Stephanie Anderson

First posted Tue 5 Apr 2016, 9:20am

Updated Tue 5 Apr 2016, 12:20pm

A New Zealand detainee has died overnight in the Villawood immigration detention centre in Sydney.

NSW Police confirmed the death of the man, who was identified as 42-year-old Robert Peihopa.

A police spokeswoman said staff were called at 9.45pm and were told the man was unconscious.

Staff tried to resuscitate him, but neither they nor paramedics could revive him.

The Department of Immigration and Border Protection issued a statement, saying the man is suspected to have suffered a heart attack.

"The Department expresses its sympathy to the family of the deceased man and will cooperate fully with the NSW Coroner who will prepare a report on the death," the statement read.

"As this matter is now subject to a coronial inquiry the Department will not be commenting further at this time."

Labor Immigration spokesman Richard Marles called for the Government to investigate the incident so the cause of death could be determined.

He said Labor had sought a briefing on the incident.

New Zealand citizens in immigration detention was a matter of discussion between Prime Minister Malcolm Turnbull and his New Zealand counterpart John Key earlier this year, following evidence to a Senate committee.

The committee heard there were 183 New Zealand citizens in onshore detention facilities, with 174 of them detained due to a visa cancellation on "character reasons".

<http://www.abc.net.au/news/2016-04-05/new-zealand-detainee-dies-in-villawood-detention-centre/7299880>