

Project SafeCom News and Updates

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1. Katharine Murphy: Coalition's 18C overhaul a hollow and operatic outbreak of gesture politics

The conservatives' internal crusade ignores the casualties – even if they are Coalition MPs attempting to defend marginal seats

The Guardian
Katharine Murphy
Tuesday 21 March 2017 14.30 AEDT

If you are looking up from your life at this time utterly perplexed why the Turnbull government just can't seem to shut up about section 18C of the Racial Discrimination Act, let me attempt to explain what may be otherwise inexplicable.

The Coalition is unable to drop this particular hot potato, despite senior players like Barnaby Joyce and Scott Morrison saying very clearly that the issue really isn't a priority down the back paddock, or in the cafe where you picked up your coffee this morning, because a significant bloc in the right faction of the Liberal party intended to keep on pushing until the Freedom™ lady sang.

This is an internal crusade, a little passion play for the conservative base, pure and simple, and never mind the casualties – even if the casualties are your hard-working government colleagues, attempting to defend marginal seats with large ethnic populations.

But let's be clear the internal crusade to water down the RDA protections has also been encouraged by external cheerleaders.

The Coalition is here, on Harmony Day of all days, talking about weakening the current RDA protections, because of an unremitting conservative media crusade.

For months, the Australian has run a full-tilt campaign on 18C that looks, quite frankly, borderline unhinged to anyone outside Holt Street.

Somewhat idiosyncratically for a news outlet, the Australian's campaign elevates and champions one form of freedom while ignoring other curbs on free speech that are actually meaningful if you want to expose wrongdoing by powerful people, which is supposed to be the bread and butter of journalism.

The Fox Lite crew on the Sky News night shift have also been rumbling away, in their little harshly lit cupboards, making gutting 18C a test of Malcolm Turnbull's conservative bonafides.

Andrew Bolt, wondering out loud whether or not he can find a reason to like Malcolm Turnbull, oh Malcolm, oh Malcolm – like a moody teenager contemplating the risks of a new courtship.

This otherworldly sense of grievance and entitlement – the boutique preoccupation of an Australian elite whose shtick is feigning hostility about elites – is why the rest of us have been sucked into a circular conversation we really aren't that fascinated by but can't quite escape from.

We are all hostages in this strange bubble of right-wingers talking to right-wingers, which has culminated in a government making a commitment to water down hate speech protections, while trying to pretend the changes represent a strengthening of the current system, which, on any measure, they do not.

We have been conscripted, unwittingly, to an operatic outbreak of gesture politics.

Because a gesture and a genuflection is all this can be until such time as the government assembles the requisite numbers in the Senate to translate the 18C gesture into legislative change.

Perhaps that will happen. On current indications, it looks unlikely.

I'm irritated about all of this not because I secretly hate freedom.

I've written before that, as a journalist, I have a professional interest in allowing speech to be as uninhibited as possible. I don't need to live in a world where the only opinions I can tolerate are the ones I agree with.

I'd happily countenance changes to all restrictions on free speech, including the insult and offend restrictions in 18C – if we were even halfway serious about this being a conversation about freedom.

If we were talking about freedom, I'd happily countenance a wide-ranging conversation about defamation law reform, or the impact of suppression orders, or whether free speech in Australia could actually benefit from something a little bit more robust in the way of protection than an implied freedom of political communication.

To cut a long story short, a freedom debate, if that's what we are having, should actually be about all restrictions on speech, not just the ones that a certain section of society find inconvenient.

Let me put this a bit more bluntly, just so it's very clear where I stand.

I have a certain amount of moral discomfort as a privileged white woman standing up and endorsing taking away restrictions that work to protect the vulnerable – while conveniently ignoring a whole bunch of other restrictions that work to protect the powerful.

I've never been offended or insulted on the basis of my race and feel it might be best to listen to and respect the lived experiences of people who have.

Call that a gesture of puncturing the bubble.

<https://www.theguardian.com/australia-news/2017/mar/21/coalitions-18c-overhaul-a-hollow-and-operatic-outbreak-of-gesture-politics>

2. Gillian Triggs slams Malcolm Turnbull's 'highly unsatisfactory' 18C race law changes

Sydney Morning Herald
March 24 2017
Michael Koziol

Human Rights Commission President Gillian Triggs has blasted the Turnbull government's "highly unsatisfactory" and "curious" changes to Australia's race hate laws, warning they were being rushed through and could harm minorities.

She also clashed with Victorian senator Derryn Hinch over the commission's handling of the Bill Leak case at a fiery inquiry in which they accused each other of misleading the Senate.

Professor Triggs said it was "categorically nor correct" for anyone to imply the commission supported removing the words "offend", "insult" and "intimidate" from section 18C of the Racial Discrimination Act.

"It's very, very clear that we do not approve the changes to the substantive provision of the [act]," she said on Friday. "The current language has worked extremely well."

In her first public comments since Prime Minister Malcolm Turnbull announced the proposed changes this week, Professor Triggs said she was "especially concerned" about allowing people to humiliate others on the basis of their race.

Inserting the word "harass" instead was "curious", "an entirely circular process" and "highly unsatisfactory", she said. The speed with which the changes were being pushed through was also "troubling".

While backing many of the procedural changes to the way human rights complaints are handled, Professor Triggs said she had deep concerns about shifting the burden of proof to what an ordinary member of the community would find objectionable, rather than a member of the affected minority group.

Often heated, the inquiry resurrected a long-standing grudge between Professor Triggs and Liberal senator Ian Macdonald, who warned her at one point: "You're here to answer questions, Professor Triggs, not to go off on a frolic of your own."

Tempers also flared when Senator Hinch, a long-standing free speech advocate, questioned the Human Rights boss about controversial News Corp cartoonist Bill Leak, who died two weeks ago at 61.

He was the subject of a high-profile complaint under section 18C concerning a cartoon that depicted an Indigenous Australian as a negligent parent.

Senator Hinch publicly accused Professor Triggs of misleading the Senate when she said Leak's lawyers had refused to use the "free speech" defence to have his case dismissed. His lawyers say they did make such a claim, accusing Professor Triggs of being "just wrong".

The case is significant because proponents of changing section 18C argue the Leak case shows the system is failing, while opponents of change believe Leak wanted the case against him to proceed to make a political point.

Professor Triggs said Senator Hinch had been "utterly irresponsible in relation to the truth".

"That is a false statement, and I believe that I am owed an apology," she said. "It is very clear ... that you have misled the Senate itself in making the allegations."

Senator Hinch replied: "I don't accept that and you will not be getting an apology."

Documents shown to Fairfax Media by the commission indicate Leak's lawyers believed the cartoon did not breach 18C in the first place but did not make a formal submission regarding an 18D defence.

It was the third time Professor Triggs has been hauled before a Senate committee accused of making misleading claims.

The inquiry is due to report on Tuesday before the proposed changes head to the Senate, where they are likely to be defeated by Labor, the Greens and the crossbench.

<http://www.smh.com.au/federal-politics/political-news/gillian-triggs-slams-malcolm-turnbulls-highly-unsatisfactory-18c-race-law-changes-20170323-gv5gf2.html>

3. 'Hopelessly weak': Australia slammed for refusing to back UN investigation into Myanmar Rohingya atrocities

Sydney Morning Herald
March 15 2017 - 12:54AM
Lindsay Murdoch

The Turnbull government has refused to back an international investigation into atrocities against Rohingya Muslims despite a motion passed in the Senate urging Australia to call for a United Nations commission of inquiry.

Australia's statement at the UN Human Rights Council in Geneva called for Myanmar to conduct its own investigation with international help into what the UN says could amount to ethnic cleansing and crimes against humanity in the country's western Rakhine state, home to more than one million Rohingya.

But Yanghee Lee, the United Nations special envoy for Myanmar, called for a UN inquiry, the strongest form of intervention the council could take, citing evidence that Myanmar may be seeking to "expel" all ethnic Rohingya from the country where they have been living for generations.

"I heard allegation after allegation of horrific events like these – slitting of throats, indiscriminate shootings, setting alight houses with people tied up inside and throwing very young people into the fire, as well as gang rapes and other sexual violence," Ms Lee told the 47-member council.

Human rights groups condemned what they called Australia's weak position at the council, describing already established investigations into the violence by Myanmar as a whitewash.

Htin Lynn, Myanmar's representative in Geneva, rejected any form of international inquiry and dismissed claims of crimes against humanity as "unverified, intentional and one sided".

He said his government is seriously "addressing" the allegations.

In its statement Australia referred to the "scale and complexity of the transition" that Myanmar is undergoing and acknowledged "positive steps" taken by its government since taking office in April last year.

The statement said that while Australia is "deeply concerned" by evidence of serious human rights abuses affecting Muslim communities in Rakhine, Canberra "considers a collaborative approach is the best way to help Myanmar address its human rights challenges, and we remain ready to work with Myanmar in this regard".

"We encourage Myanmar to continue its cooperation with relevant international human rights mechanisms," it said.

On February 16, Australian senators passed a Greens motion without division calling on Myanmar to assert the religious and ethnic equality of all of its people, including Rohingya, and urging the Australian government to consider pushing for a UN commission of inquiry into abuses in the Buddhist-majority country.

Scott Ludlam, who proposed the motion, described what was happening to Rohingya as "devastating".

Emily Howie, director of advocacy and research at Australia's Human Rights Law Centre, told Fairfax Media the wording of Australia's statement in Geneva was "hopelessly weak" and "sweeps under the carpet" the country's crimes against humanity, "no doubt reflecting the Australian trade interests."

She said Australia's position is a "real shame and sits uneasily with the serious concern showed by the Senate across all parties, including the government."

Ms Howie said Australia's position also belies how ill-prepared the Turnbull government is to take a seat on the council.

Australia has been campaigning for a two year term, starting in 2018.

"If Australia acts like this when it sits on the council, its action would have real human consequences ... it would be leaving thousands of victims to continue to suffer crimes against humanity without a good faith attempt to stop it," she said.

Phil Robertson, deputy Asia director at Human Rights Watch, said during the Geneva negotiations Australia was relegated to a corner as countries like the United States, European Union and even Bangladesh called for an international investigation.

"Australia's human rights policy has literally been at sea for so long with refugee boats that Canberra seems to now instinctively adopt the preferred policy of rights violating Asian nations," he said.

Almost 80,000 Rohingya have fled Rakhine for refugee camps at the Bangladesh border since October when Myanmar's military launched a crackdown following attacks on police posts during which nine policemen were killed.

Rohingya are denied basic rights in Rakhine, including citizenship.

The UN Human Rights Council is expected to vote in late March on the human rights situation in Myanmar, which is also called Burma.

A draft resolution being negotiated includes the establishment of a UN inquiry into "gross human rights violations by the military and security forces" in Rakhine after October 9 last year.

<http://www.smh.com.au/national/hopelessly-weak-australia-slammed-for-refusing-to-back-un-investigation-into-myanmar-rohingya-atrocities-20170314-guy5vt.html>

4. Meg Keneally: Australia was born out of a gulag. Not much has changed

When researching the Parramatta Female Factory I found parallels with our dehumanisation of vulnerable and maligned groups today

The Guardian
Meg Keneally
Saturday 18 March 2017 10.00 AEDT

It's a well-worn solution to an intractable human problem involving a large group of inconvenient people – ship them off somewhere, put a wall (whether of ocean, stone or steel) around them, and try to forget about the whole thing.

You could argue that our country was founded as a result of this approach.

You could also argue that we learned our lesson too well, because it's an approach we are still using when it comes to vulnerable people who have undertaken hazardous ocean journeys – and the outcomes are no more humane than they were in the 18th and 19th centuries.

At a time when I was researching historic institutional abuse in colonial Australia, its modern counterpart was in operation at another remote island dumping ground.

Whenever you mash a group of powerless souls together and isolate them, you accomplish two things – they are easy to abuse and they are easy to demonise.

That was certainly the case for the inmates of the Parramatta Female Factory, who as both women and convicts were the most powerless subset of a powerless group.

The factory, the largest of its kind in colonial Australia, was supposed to be self-supporting through the work of the women confined there. It was a marriage bureau for those seeking wives, and an employment agency for those seeking assigned convicts. Just as importantly, it was supposed to get the women out of the picture, away from the men who outnumbered them.

Once they were tucked away, the administrators in Sydney and Parramatta quickly forgot them, at least in terms of seeing to their needs. A significant proportion of them wore threadbare clothes and had no shoes, but an order for new clothes took two years to fill. When the clothes finally did arrive, they were for children, and three items were needed to make one set of clothes for a grown women.

Clothing, though, was the least of the problems for the factory women. There were the men who guarded them to deal with and, while sexual abuse rarely made it into the official record at the time, it almost certainly occurred.

It was also all too tempting for those charged with guarding them to siphon off some of their rations to be sold outside the factory walls.

One convict, Mary Ann Hamilton, was caught mashing and eating the bones in her ration, as well as eating weeds. Her punishment was solitary confinement. She was tethered to the ground with stakes and ropes and when she became wild she was put in a straitjacket.

Unsurprisingly, she ultimately died of starvation. The inquest that followed returned a verdict of death by hunger and hard treatment. The administrative response was to increase the rations – not of the women, though. Of the superintendent and of the factory management, so that they would not be tempted to steal the women's food.

While the women were being exploited inside the factory walls, they were being slandered outside them. In 1827 a journalist for the Sydney Gazette summed up the general attitude, writing: "The awful fact is too well known, that the softer sex, to the disgrace of human nature, are a thousand times more obdurate in their minds, and determined in their vicious career, than the men."

With our modern sensibilities, we can look at the treatment of the women in the female factory and shake our heads. We can deplore their abuse, and feel relief that our society has evolved to a point where such horrors can no longer occur.

The only problem is that they can, and they do.

Asylum seekers fleeing persecution, at the end of their own long sea voyages, may not have to undergo colonial-era starvation. But the evidence that they are enduring a modern brand of horror is overwhelming.

Last August Guardian Australia published more than 2,000 incident reports containing graphic allegations of the awful abuse of children on Nauru. Less than a week later the office of the UN high commissioner for human rights issued a statement saying: "We are extremely concerned about the serious allegations of violence, sexual assault, degrading treatment and self-harm contained in more than 1,000 incident reports from offshore processing centres on Nauru, many of which reportedly involved children."

Like the women of the female factory, those on Nauru endure the double insult of demonisation in a society they will never be allowed to join. Last year the immigration minister, Peter Dutton, said: "The reality is Malcolm Fraser did make mistakes in bringing some people in the 1970s and we're seeing that today."

In a response to a proposal by the Greens to increase Australia's humanitarian intake, Dutton said: "For many people, they won't be numerate or literate in their own language, let alone English. These people would be taking Australian jobs ... and for many of them that would be unemployed, they would languish in unemployment queues and on Medicare, and the rest of it. So there would be a huge cost."

This depiction of asylum seekers – or any other maligned group – as a faceless, grasping mass speaks to the worst in us, calls forth a desire to erect barricades against an advancing threat posed by people who have been dehumanised by their vilification, and therefore are treated as less than human.

We often congratulate ourselves on being the only progressive, modern society to have been born out of a gulag. In many ways, of course, this pride is justified. But while the treatment many of our ancestors endured in colonial days is being visited on innocents today, our evolution into a truly modern nation is a long way from complete.

• *Meg Keneally is the author of The Unmourned: Book Two in the Monsarrat Series, co-authored with Tom Keneally*

<https://www.theguardian.com/commentisfree/2017/mar/17/australia-was-born-out-of-a-gulag-not-much-has-changed>

5. Spotlight on 'inhumane' treatment by Australia catches high-level attention in Iran

Sydney Morning Herald
March 27 2017 - 12:09AM
Daniel Flitton

The brutal murder of Iranian asylum seeker Reza Barati at the Manus Island detention camp has been dramatised in a new play staged in the Iranian capital Tehran.

Simply titled Manus, the script draws on direct quotes from asylum seekers held in Australia's offshore detention camps, and has drawn an audience of high-ranking officials.

Abbas Araghchi, Iran's deputy foreign minister and the man trusted as the chief negotiator in the nuclear deal that saw international sanctions lifted from Iran, attended one night and later mingled with the actors and a former asylum seeker held on Manus Island.

"I tried to invite authorities of Foreign Ministry because of the issue of my play that directly related to their job," the play's director, Nazanin Sahamizadeh, told Fairfax Media from Tehran.

The Turnbull government has been seeking for more than two years to convince Tehran to accept the forced return of Iranian asylum seekers who arrived in Australia by boat but have not been judged to be refugees - a request Iran has so far refused.

Around 7000 Iranians have been granted bridging visas to live in the Australian community, with several hundred Iranian asylum seekers also thought to be held on Manus Island and Nauru.

Another senior Iranian diplomat last year criticised conditions in Australia's detention centres as "definitely inhumane".

Hossein Babaahmadi, who spent 75 days on Manus Island before volunteering to return to Iran in 2013, helped organise interviews for the script with asylum seekers who were in the camps.

He said the interviewees included Behrouz Boochani, an Iranian journalist who remains on Manus and was close to Barati.

"The conditions on Manus Island were inhumane, they didn't treat us like a human being," Mr Babaahmadi said.

Ms Sahamizadeh said the play focuses on eight Iranian characters who fled Iran for Australia, only to be held in Pacific camps.

The main scene details the riot at Manus Island in February 2014, where 23-year-old Barati was repeatedly beaten with a piece of wood with a nail in the end of it, before a large rock was dropped on his head.

Last year, a Papua New Guinea court found two local men found guilty of murdering Barati.

Media restrictions are heavy in Iran and the country is regularly singled out for human rights abuses.

"All characters described their story when they were in Iran and had problems," Ms Sahamizadeh said when asked whether it was awkward to show stories in Iran about people claiming to be at risk in Iran.

"I had read about Manus two years back and as it was new for me it got me interested," she said.

"I found that it is very important and critical issue that many people have not been aware about it and finally I made my decision to make a play of it."

The play ran for a month in the Qashqai Hall of Tehran's City Theatre Complex, with the final show last week, and Ms Sahamizadeh said it was attended by almost 3000 people.

Ms Sahamizadeh said she hoped to eventually bring the play to the stage in Australia and then other countries.

<http://www.smh.com.au/federal-politics/political-news/spotlight-on-inhumane-treatment-by-australia-catches-highlevel-attention-in-iran-20170326-gv6ls9.html>

6. Christos Tsiolkas: We are all chained to policies that are toxic and inhuman. History will judge us

In this foreword to *They Cannot Take the Sky - Stories of Detention*, Christos Tsiolkas writes of the destructive national debate about asylum seekers

The Guardian
Christos Tsiolkas
Saturday 25 March 2017 08.00 AEDT

We read for pleasure and we read for knowledge. And there are some books we read because we must, for in not reading them we are in danger of not understanding our world and our own place in the world.

Over the last century such books have included *The Diary of Anne Frank*, Primo Levi's *If This is a Man*, George Orwell's 1984, Hannah Arendt's *Eichmann in Jerusalem* and Aleksandr Solzhenitsyn's *The Gulag Archipelago*. There are others, of course there are, from every continent on this planet but I mention those five because they were crucial in creatively and purposefully giving voice to the obscene injustice and anti-humanity of totalitarianism.

It is no accident that three of them have as their subject the Holocaust and the others that of the Stalinist purges and the murderous Soviet system of forced exile. Such books break free of their geographic, cultural and historic boundaries, and in doing so they smash the borders we humans erect to keep ourselves separate from one another. In forcing us to confront the evil we are capable of they also ask us to acknowledge our shared humanity.

I love literature, I love so many books, but I know that very few are necessary. That isn't to somehow diminish the function of art and creativity. I'm not someone who believes criticism involves a ledger where you give a book a mark for utility. Some of

the greatest works of art are purely pleasurable. But the books I mentioned above are both works of art and also works of witnessing. They are necessary.

In Australia in 2017, *They Cannot Take the Sky* is also necessary. For nearly two decades now, Australian politics has been corrupted by a toxic and destructive national debate about asylum seekers and refugees. Unfortunately, fought out as much across media – traditional and digital – as it has in our parliament, the issue of asylum has become inexorably entwined with our security and existential fears arising from the threats of international terrorism.

Our leaders, across the political spectrum, have failed in the democratic imperative to ensure a cogent and humane approach to the issue. In fanning the hysteria of partisanship they have betrayed our trust. That great leveller, history, will ultimately judge us on what kind of country we created for ourselves at the beginning of the 21st century. This isn't the place for political analysis. All I want to suggest is that in all the screaming across the parliament floor or on social media, we forget that the asylum seeker and the refugee is a real person, with a real body and a real consciousness, that they are as human as we are.

FULL STORY AT <https://www.theguardian.com/australia-news/2017/mar/25/we-are-all-chained-to-policies-that-are-toxic-and-inhuman-history-will-judge-us>

7. Detained on Nauru: 'This is the most painful part of my story – when you realise no one cares'

In this excerpt from the book *They Cannot Take the Sky*, Benjamin talks about his years detained on Nauru, and his undying hopes for the future

The Guardian
Benjamin, an asylum seeker
Friday 24 March 2017 11.08 AEDT

Benjamin was taken to Nauru in 2013 with his family. He told the first part of this story on Christmas Day 2014. He is still on Nauru.

'You just have to cope with it'

We were in Offshore Processing Centre compound number 3 – the family compound in the Nauru detention facility – for a year and three weeks. In that time lots of things happened between us and Wilsons, the security guards running the camp, especially with my father because everyone trusted him. So if problems happened, people would tell my father and my father would try to help. But after a couple of months the Wilsons tried to somehow punish us as a family, you know, for just simple things. One day my father was in the line for food and the Wilson didn't let him go inside – he sent another family in rather than us. My father tried to just talk to them but suddenly they called the police. Police came and they sent my father straight to custody.

My father had a stroke when he was in custody. He's a little better now, after four or five months, but he's still really not able to use the left side of his body very well.

Because of the stroke, they sent my father alone to Darwin. They gave us a time to visit just before he left. There was a neck brace around his neck and he was in a wheelchair. I could just see him for 15 minutes and then they took him away and sent him to Darwin. I was 18 at that time and my sisters were all minors. There wasn't a guardian for us, but they let us be inside a camp. My sisters, they all got lots of problems. They couldn't sleep at night. Me either.

I went to the psychologist and I told her, "I've got these types of problems," and she said, "You just have to cope with it. You cannot go to where your father is. You just have to wait until he comes back." I warned them that if they didn't give me any answer – at least tell me how my father is – I would suicide, and she laughed at me and said, "Go, do what you want to do." And so I cut my wrists and my hand, because I couldn't control it anymore. It was too much for me. And the funny thing is, they didn't care. They said, "If you keep trying to do this we will send you to the custody too."

My sisters came and they saw lots of blood coming out of my body and they called Wilson.

When my father heard that I cut myself, he did his own protest. He sat in the wheelchair and he didn't eat, he didn't move, he didn't drink anything.

FULL STORY AT <https://www.theguardian.com/world/australia-books-blog/2017/mar/24/detained-on-nauru-this-is-the-most-painful-part-of-my-story-when-you-realise-no-one-cares>

8. Exclusive Report: Death in detention: 'I'd give everything to have him back'

Iranian refugee Omid Masoumali set himself alight on Nauru a year ago. His partner, held in isolation in Australia since that day, speaks about the split-second decision that ended his life and changed hers irrevocably

The Guardian
by Ben Doherty
Thursday 23 March 2017 04.00 AEDT

On Nauru, life lay in the small things.

In the face of their remote island detention, Omid and Pari had each other, and, each evening, they had the sunset.

"People often cried while watching the sun go down," Pari says of her time on the island. "Every sunset was a symbol of another day lost."

"But every evening Omid would sit with me and talk to me about all the things we had to look forward to ... he would just smile and say, 'We are young, we are together, anything is possible.'"

So, each evening, Pari had her dual comforts: her partner and the promise brought by the sunset of another day.

Now, she has neither.

One year ago next month, the life of Pari's partner, Omid Masoumali, came to a brutal, premature end, when, to protest being forcibly held on the tiny Pacific island of Nauru, he publicly doused himself in petrol and set himself on fire.

Denied painkillers and adequate medical treatment, his slow, agonised death brought the stark privation of Australia's offshore detention regime to renewed international attention.

Every day since, Pari has been held in isolated detention in Australia: alone, traumatised, segregated and trapped in a Kafkaesque legal and political nightmare.

She has not seen a sunset since, and faces an indefinite incarceration, despite being formally recognised as a refugee who fled persecution and who is legally owed protection.

FULL STORY AT <https://www.theguardian.com/australia-news/2017/mar/23/death-in-detention-id-give-everything-to-have-him-back>

9. US refugee deal: Architect of deal says arrangement loosely based on Australia 'doing more'

ABC News Online
Zoe Daniel and correspondent Stephanie March
Wednesday March 22, 5:37am

The architect of the US-Australia refugee deal says the agreement for America to take refugees from Nauru and Manus Island was loosely contingent on Australia considering resettling people from Central America and Africa in exchange, although not in a one-for-one swap.

Anne Richard, speaking for the first time, said the arrangement would also require Australian authorities to work to reunite separated refugee families.

Ms Richard left her role as the Assistant Secretary of State for Population, Refugees and Migration in the US State Department just before Donald Trump's inauguration as President.

She said she put the framework together after an approach by the Australian Embassy in Washington DC.

"When the Australians first came to us my motivation was let's do this, let's make this happen, we have got to get these individuals to a better place," Ms Richard said.

"I have never been to either of these locations but my understanding is that the people there are really suffering and they are suffering in part because their situation is so open-ended.

"They don't know what is going to become of them and they don't know where they are going to live out the rest of their lives so I thought we should really make this happen.

"Others at the State Department then got involved and said, 'Well, what kind of things can we discuss with the Australians in order to affect an arrangement where everybody does a little extra from their country'."

The ABC has been told the Australian Government has been given a series of "sample cases" with a view to accepting up to 50 refugees from El Salvador under the deal with the United States.

The sample cases do not necessarily involve people who would ultimately be resettled in Australia but are representative of the types of cases that refugee agencies think would be a good fit.

The ABC understands that under the deal made between the Turnbull Government and former president Barack Obama, between 20 and 50 people may be resettled from a "Protection Transfer Arrangement" in Costa Rica set up to resettle refugees from El Salvador, Honduras and Guatemala.

Most are fleeing gang-related violence.

Prime Minister Malcolm Turnbull would not be drawn on Ms Richard's comments today, instead emphasising the importance of Australia's bond with the US.

"We have a very close relationship between Australia and the United States," he said.

"They are our most important ally. It is a very close and engaged relationship and we support each other and help each other out in virtually every field, and so we will always be supporting each other in areas of this kind."

Australia won't accept intake unless US upholds deal

While the deal is not a "swap" in return for the United States taking refugees from Australian-run offshore detention centres, the State Department's architect of the plan says the elements are informally linked.

Those things included increasing intake of refugees from Africa as well as accepting people under the Costa Rica arrangement and doing more to reunite families, especially refugees who had been accepted into Australia but remained separated from family members who are awaiting resettlement in transit countries like Indonesia.

"The US was willing to look at taking hundreds and hundreds that were sort of under the protection of Australia, if you will, in return for Australia doing more — taking more refugees from this facility," Ms Richard said.

"It is called a protection transfer arrangement in Central America, but also trying to take more refugees from, say, Africa and also looking at families that had been split up under the Australian policy where someone might be in Australia and someone perhaps stuck in Indonesia and trying to do a little bit to reunite families."

Immigration Minister Peter Dutton has said the Australian Government will not accept refugees from Central America until the US upholds its part of the deal, which Mr Trump has described as "dumb".

"We wouldn't take anyone until we had assurances that people were going to go off Nauru and Manus," Mr Dutton told Sky News in February.

Details of both deals have been shrouded in secrecy, apparently in part due to Australia's reluctance to get caught up in a domestic political debate over refugee resettlement ahead of the US election.

For that reason, the Costa Rica element of the deal was announced in September, while the element involving Manus Island and Nauru was not made public until mid-November, after the election had taken place.

Elements remain classified, although the State Department is considering an application from the Senate Judiciary Committee to declassify the documents in the public interest.

Asylum seeker deals surprising, but welcomed

Until just over a month ago, Shelly Pitterman was the UNHCR Regional representative for the USA and the Caribbean — he now works for the Jewish resettlement organisation HIAS.

He said there was surprise in the humanitarian community when the deals were announced late last year, but the idea was welcomed.

"Fundamentally what motivated the US in accepting to work with another country of asylum, another relatively well-off industrialised resettlement country to take people who should normally be in Canberra or Sydney, was motivated by a burden sharing and humanitarian imperative that these are people who are living in dire circumstances that have had no option to go to Australia under current policy and that in the interests of burden sharing that the United States accepted to receive some of them," he said.

The UNHCR is one of the partners to the Costa Rica arrangement.

"The understanding with Costa Rica was that these would be people definitely in need of protection coming out of the first country of asylum out of Guatemala, El Salvador or Honduras and that we would be able to facilitate their access to temporary safety in Costa Rica where they would then be processed for resettlement to the US or to Canada and, now, we learned, as well, Australia so that was a most welcome announcement," he said.

He said although the number Australia was considering taking from Central America was small, it was still important.

"Of course it makes a difference. It makes a difference for the people who need help, there's no question about that," he said.

Department of Homeland Security staff are now on Nauru fingerprinting people who have expressed an interest in resettlement and will do the same on Manus Island next month.

Interviews, security and health checks will follow.

Fewer refugees to come as waiting time lengthens

There is concern, however, that Mr Trump's plans to reduce the refugee intake for 2017 from Barack Obama's planned 110,000 to 50,000 could affect the resettlement timetable for people even if their applications are approved.

Around 38,000 places have already been filled, which means that as few as 12,000 places are left under the reduced ceiling.

That could mean refugees from the Australian detention centres miss this year's cut-off.

"It means only 12,000 people will come," Mr Pitterman said.

"The people who need resettlement who are in the so-called pipeline will need to find other solutions."

Ms Richard agrees.

"It is possible that some of the refugees from those two sites would make it to the US this year, and it is also possible that not all of them will, that some of them remain and have to wait longer," she said.

However, refugee agency sources have told the ABC that they remain "optimistic" that some refugees will be resettled by the end of the US summer in late September.

<http://www.abc.net.au/news/2017-03-22/us-refugee-deal-architect-says-based-on-australia-doing-more/8375250>

10. US could resettle no-one and say it honoured Turnbull Government refugee deal, DFAT says

ABC News Online

By political reporter Stephanie Anderson

Wednesday March 15, 2017

The United States could resettle no-one from Australia's offshore immigration centres and still argue it has honoured its deal with the Turnbull Government, according to the Department of Foreign Affairs and Trade.

But DFAT maintains that it expects the United States will take in large numbers of refugees from Manus Island and Nauru, as part of the deal brokered in the closing weeks of the Obama administration.

Andrew Goledzinowski, DFAT's Ambassador for People Smuggling and Human Trafficking, told a Senate committee hearing the agreement did not require the US to take in any particular number of refugees.

When asked by Greens senator Nick McKim whether the US could resettle no-one and still claim it had complied with the agreement, Mr Goledzinowski responded "technically, I think that's the case".

But he also said that the US could end up taking more than 1,250 refugees.

"Whether they end up taking more than 1,250 from Manus and Nauru or significantly less is impossible to say at this stage," he said.

"It could well be that the US eventually chooses to take more than 1,250."

Mr Goledzinowski said the eventual resettlement number would not impact on the number of refugees currently in Costa Rica that Australia takes in, despite Immigration Minister Peter Dutton publicly linking the two deals last month.

Mr Dutton told Sky News that "we wouldn't take anyone until we had assurances that people were going to go off Nauru and Manus".

Graham Thom, Refugee Coordinator for Amnesty International Australia, said there appears to be no plan for those who will be left behind.

Dr Thom told the Senate committee there were concerns not only over the uncertainty surrounding the deal, but also the shortfall in resettlement numbers.

"You're left with 700 people who have suffered for years, stuck on these islands with no plan B," he said.

"This is a problem. Even those who are going through this process, it's going to take months and months, which is going to damage them further."

The latest immigration detention statistics supplied by the Department of Immigration and Border Protection detailed there were 1,241 people in regional processing centres — 861 in Manus Island and 380 on Nauru.

These figures do not include people no longer residing in the centres.

Dr Thom said more than 1,600 people had been recognised as refugees on Manus Island and Nauru, while many remain unprocessed both on the islands and in Australia for medical treatment.

He said there were also concerns over the vetting process for resettlement, saying the latest travel ban signed by US President Donald Trump could lead to additional delays.

"We know that the US system can take some time," he said.

"These people simply do not have that time."

Mr Trump criticised the resettlement deal last month, describing the agreement as "dumb".

He also reportedly accused Prime Minister Malcolm Turnbull of seeking to export the "next Boston bombers" to the US, and complained that the deal was going to kill him politically.

The Department of Immigration and Border Protection also addressed the Senate committee, but took questions on notice regarding the fate of refugees not resettled by the US.

DFAT officials also confirmed that the offer from the New Zealand Government to resettle refugees remained "live".

<http://www.abc.net.au/news/2017-03-15/us-could-resettle-noone-and-claim-it-honoured-refugee-deal/8355736>

11. Manus Island, Nauru refugees fingerprinted as processing for US-Australia resettlement deal begins

ABC News Online

By Washington bureau chief Zoe Daniel

Monday March 20, 2017

Officials from the US Department of Homeland Security are set to begin fingerprinting refugees on Manus Island and Nauru in preparation for resettlement in America under the US-Australia refugee deal.

In a document supplied to refugees on the islands, the State Department-funded Resettlement Support Centre detailed the process from now on for refugees who had been referred for consideration for transfer to the US.

It said officers from the Department of Homeland Security would be on Manus and Nauru during April, fingerprinting those who had expressed an interest in US resettlement.

Refugees will also be subjected to a security assessment, further interviews and medical checks before their applications are considered.

The ABC understands that of roughly 900 refugees who may be under consideration on Nauru, around 600 had first interviews conducted by officials from the US resettlement team based in Bangkok in December and January.

Most of the people interviewed are from Sudan, Somalia and Afghanistan.

Of around 600 who may be eligible on Manus Island, around half had first interviews during the same period.

Although around one third of the refugees on Manus Island are from Iran, only about 10 per cent of those interviewed were Iranian.

The document provided to the refugees appeared to attempt to allay the concerns of those who have not yet been spoken to.

"Your application will not be forgotten or lost. All cases are different and will move through the resettlement process at different speeds. Do not worry if your friends and acquaintances move on to additional steps of the process before you," it said.

President Donald Trump has declared the arrangement a "dumb deal", but has grudgingly agreed to proceed with the plan brokered by Prime Minister Malcolm Turnbull's Government and former president Barack Obama.

Mr Trump's controversial executive orders on immigration allow for "pre-existing international agreements" to be honoured, but have likely slowed the implementation of the deal due to confusion about new "extreme vetting" requirements and what they involve.

"You will be asked to swear under oath that everything you say in this interview is true," the document given to refugees said.

"Failure to tell the truth can result in the denial of your application."

In a statement the Department of Homeland Security said: "Any refugee cases referred to DHS for refugee resettlement consideration will be interviewed and undergo security vetting consistent with the law, including and executive orders and court orders."

<http://www.abc.net.au/news/2017-03-20/refugee-processing-for-us-australia-resettlement-deal-begins/8368574>

12. UNHCR to refer at least 850 refugees from Manus Island and Nauru for US resettlement

ABC Radio CAF - AM

By Sarah Whyte

Monday March 27 2017

The United Nations refugee agency will refer at least 850 refugees from Manus Island and Nauru for US resettlement, in one of the first signs of how the deal is progressing.

The deal to resettle the refugees was first announced last year while Barack Obama was president.

But for months there has been speculation about the refugee deal, after US President Donald Trump labelled it a "bad deal" during an infamous phone call with Prime Minister Malcolm Turnbull.

UNHCR regional spokeswoman Catherine Stubberfield said the deal was progressing well between Australia and the US.

"And moving towards much-needed, long-term solutions for refugees in Nauru and Papua New Guinea," she said.

"We are continuing to work with all governments involved to expedite their referral for relocation as soon as possible."

'Life is hard without our dad'

But the news has brought little comfort for one Rohingya family.

The Ahmed family are now all residing in Australia, except for their father, Naysar, who remains on Manus Island.

Mr Ahmed's daughter, who cannot be named on condition of her visa application, travelled to Canberra on Monday to appeal to politicians to reunite her family.

"I want to talk to people about my family's situation and to show the people that our life is very hard without our dad," his daughter said.

For four years, the family has been separated after their father missed the boat they were on.

By the time he had organised another boat chartered by a people smuggler to bring him to Australia, the policy had changed under former Labor prime minister Kevin Rudd and he was immediately sent to Manus Island.

One big mess: Manus Island MP

There are currently 837 men living on Manus and the atmosphere is tense, according to Manus Island MP Ronny Knight.

"I am in fear of more deaths happening in Manus between the locals and the refugees," he said.

Mr Knight questioned whether the deal would go ahead, and also what would happen to the remaining 350 people who have not yet been referred by the UNHCR.

"That's the big question isn't it, no-one knows and the Australian Government or the PNG Government are not being forthcoming with it," he said.

"It's one big mess and they need to be more forthcoming with it," he said.

A spokesman for Immigration Minister Peter Dutton said the Government's position had not changed, and that no-one living on Manus Island or Nauru would be resettled.

However, Mr Ahmed's daughter said she hoped their resolve would change after her trip this week.

"I think that this is the last option to ask the politicians, because they are the ones who decide," she said.

<http://www.abc.net.au/news/2017-03-27/unhcr-to-refer-at-least-850-refugees-for-resettlement/8389508>

13. MEDIA RELEASE: Mobiles to stay in detention centres - for now

Friday March 17, 2017
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

This morning Justice Rares found that the Federal Court had jurisdiction to consider whether or not the government's decree to ban mobile phones from detention centres was lawful.

This means that the injunction preventing Serco, Border Force or other government officers from seizing mobile phones stays in place.

The injunction was first granted at an out-of-hours hearing of the Federal Court on Sunday 19 February, at which detainees challenged whether the phone-ban decree and move to seize phones was lawful. At that hearing the Commonwealth questioned whether the Federal Court had jurisdiction to consider the lawfulness of seizing mobile phones.

The matter has been set for a directions hearing on 21 April in the Federal Court pending any move by the Commonwealth to appeal the decision.

The rule surrounding mobile phones is inconsistent in any case. Under present rules, boat arrivals are precluded from having a mobile phone while others in immigration detention are allowed to have them.

This inconsistency has meant that some mobile phones have been seized from boat arrivals, even after the injunction was put in place on 19 February.

"Everyone in detention should be able to have a mobile phone. Phones that have already been seized should be returned," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"Detention centres are not correctional facilities, even though the government treats everyone in detention as criminals. The detention centres should be closed. Until then the phone remain a lifeline to family, community and legal support; it is that support that the government wants to cut off, in the same way it has shamefully cut off legal support for asylum seekers to make their protection applications."

For more information contact Ian Rintoul 0417 275 713

14. Roman Quaedvlieg's conquest could prove tricky for Michael Pezzullo

Canberra Times

March 20 2017 - 5:55PM

Noel Towell

Border Force could soon be looking for a new commissioner if incumbent and former ACT top cop Roman Quaedvlieg wins his bid to be commander of Australia's largest police force.

Mr Quaedvlieg, who led ACT Policing between 2010 and 2013 was interviewed on Friday, along with five other hopefuls for the job as NSW Police Commissioner

His success in landing the role would leave his current boss, Immigration Department Michael Pezzullo with a tricky problem, finding a safe pair of hands to take over one of the most politically volatile jobs in the Australian Public Service.

Mr Quaedvlieg, who has declined to discuss his candidacy for the NSW job, has largely avoided the many pitfalls of the highly politically charged Border Force Commissioner's job since he took over in 2015.

His one brush with controversy came in August of that year when he was forced to step in and deny that ABF officers were planning to take to the streets of Melbourne, hunting for people who might be in Australia without the proper visas.

High level defections have plagued the Immigration Department since soon after the takeover by Customs with the department hit with the public service's greatest executive brain drain since the 1980s. Advertisement

A quarter of its upper ranks were either shown the door or turned their backs on the department soon after the controversial merger of the two public service outfits.

Mr Quaedvlieg too faces big challenges in his pitch for the NSW top job, up against an array of insiders from the force's troubled upper ranks including Deputy Commissioner Catherine Burn and assistant commissioners Michael Fuller, Frank Mennilli, Jeff Loy and Geoff McKechnie.

If the man from Canberra is successful, it would be the first time since Peter Ryan's controversial appointment in 1996 that the NSW force has looked outside its own ranks.

Mr Quaedvlieg's appointment would also most likely be met with opposition from the powerful NSW Police Association, which wants Mr Scipione's replacement to come from within the force.

But the ACT's former Chief Police Officer is reported to be up for the fight, reportedly making no secret of his ambition to be a reforming force in NSW and seeking political backing for the difficult work of sweeping away the divisions and dysfunction left behind by the damaging feud at the top of the state's police force.

Mr Quaedvlieg served for 15 years as a Queensland police officer before joining the federal force in 2005.

After leaving ACT Policing, he became deputy chief executive of what was then the Customs and Border protection service in 2013, before being appointed head of the Border Force in mid 2015.

An announcement on the successful candidate for the NSW job is expected within two weeks.

<http://www.canberratimes.com.au/national/public-service/romans-conquest-could-prove-tricky-for-pezzullo-20170320-gv1xxa.html>

15. Refugees wait months for scans: inquiry

Nine News

By AAP

12:56pm March 14, 2017

Refugees and asylum seekers in need of medical scans have been left waiting months for tests requested by doctors on Nauru and Manus Island, a parliamentary inquiry has heard.

Dr Paddy McLisky from Doctors for Refugees says reviews of medical records from offshore detention centres reveal patients have waited months for authorities to give approval for them to be transferred to Port Moresby or elsewhere to undergo testing that's been requested by their doctors.

"That in itself is an indicator to us that somewhere in that approval process there are delays," he told a Senate inquiry into allegations of abuse, neglect and self-harm on Nauru and Manus Island.

Dr McLisky told the hearing in Brisbane on Tuesday there had been cases where patients had been removed from treatment facilities prematurely and returned to detention facilities.

"There have been cases where it seems the Department of Immigration may have taken people from hospital a little earlier than the doctor had recommended, perhaps post surgically or after an event of harm."

There were also cases where refugees and asylum seekers transferred to Australia for medical treatment had been taken back to Nauru or Manus in "medically inappropriate" circumstances before they had had adequate time to recover.

"We do know of a case where a young woman was dragged across the courtyard and sent back to Nauru and she was not long out of hospital.

"She was actually on a suicide watch program at the time."

Of the 250 cases Doctors for Refugees was reviewing, half indicated delays in treatment, Dr McLisky said.

"We commonly find that recommendations for treatment are delayed longer than we would find acceptable in Australia, that's just sort of run of the mill," he said.

Liberal backbencher Ian Macdonald hit back, saying it would be the same for Australians in rural areas.

"If you lived in Georgetown it would be the same," he said.

Dr McLisky said health professionals on the islands were working in a system that impeded their ability to provide care, requiring the approval of the immigration department in order to access medicines or treatments that weren't available.

"You're taking a clinical decision and putting it into the hands of a non-clinician and we find that this is a dangerous practice," he said.

Doctors for Refugees recommends the urgent evacuation of all refugees and asylum seekers on Nauru and Manus Island.

Refugee advocates have broken down telling the inquiry about the experiences of those on the islands, citing suicide attempts, children banging their heads against walls, refugees being called by number, mouldy food, limited access to water and filthy living conditions.

Psychologist Paul Stevenson has provided the inquiry with a 700-page dossier recording all incidents reported to him during his year working on Nauru and Manus Island, between July 2014 and July 2015.

The documents form the basis of what are known as the Nauru files - 2000 leaked reports outlining allegations of abuse and self-harm.

Mr Stevenson said he witnessed through email, transcripts of incident reports and personal experience a 30 per cent systematic downgrading of incidents categorised as "critical" to "major" and "minor".

"I suggest to the Senate that these downgradings were deliberate," he said.

"Their purpose was in relation to the avoidance of abatement fees to the value of \$80,000 per incident imposed by Transfield (the manager of the centre) to Wilson (the security contractor) in the event that critical incidents were not reported to Transfield within three hours of their occurrence."

<http://www.9news.com.au/national/2017/03/14/03/33/doctors-front-asylum-seeker-health-inquiry/>

16. 'Deeply unimpressed': Immigration bosses slammed over \$250 million Canberra office plan

Canberra Times
March 27 2017 - 3:18PM
Adam Gartrell

Immigration management have been lambasted over their plan to spend a quarter of a billion dollars fitting out a new office, with the politicians asked to approve the proposal accusing them of poor preparation and failing to provide vital information.

Even Turnbull government MPs say they are "deeply unimpressed" with the Department of Immigration and Border Protection's handling of the mega-proposal, going so far as to compare its top officials to "unco-operative witnesses".

In a heated hearing last week, members of the Parliamentary Standing Committee on Public Works also castigated the department for providing it with incorrect figures, a blunder secretary Mike Pezzullo blamed on a consultant who used "the wrong spreadsheet".

The department is seeking approval to spend \$255 million to fit out a new Canberra headquarters, in what is thought to be the most expensive plan of its type in federal government history. Under the proposal, the number of buildings the department inhabits in the national capital would shrink from 12 to five, with the main office located in a new state-of-the-art building next to Canberra Airport.

Mr Pezzullo said the consolidation will ultimately deliver a net benefit to the taxpayer, with more than \$230 million in savings over 30 years.

But some committee members have suggested the proposal may not be approved in its current form, which is heavily reliant on landlord "lease incentives".

Committee members are concerned the incentives distort the true cost of the proposal, making it less than transparent.

Liberal committee chairman Scott Buchholz led the attack, accusing the department of repeatedly changing its proposal and not informing MPs.

"The committee is deeply unimpressed with the way it has been provided with information on this project to date," he said.

"This is unacceptable as the committee can only make judgements about the project based on the information that is provided."

Mr Buchholz told Mr Pezzullo and the paramilitary Border Force's boss Roman Quaedvlieg that the department's "lack of preparation" had made the committee's job far more difficult, leading to significant delays in its deliberations.

"While I do not believe it is the department's intention to be unco-operative, it would be understandable if the committee members saw the department as unco-operative witnesses," he said.

Members also raised concerns about value for money, with Labor senator Alex Gallacher pointing out the new building has been sitting empty for eight years.

"You're paying the maximum rate that you would pay for a lease in Canberra, in an area where the building is eight years old and there is allegedly somewhere between a 20 per cent and 40 per cent occupancy rate," he said.

But senior official Ben Wright said it was a "good deal" and noted the building's condition as "a cold shell" meant it was cheaper and easier to fit out to the department's specifications.

The fit-out is due to begin in August this year and be completed by February 2021. The upgraded buildings would accommodate 6000 staff.

<http://www.canberratimes.com.au/federal-politics/political-news/deeply-unimpressed-immigration-bosses-slammed-over-250-million-canberra-office-plan-20170327-gv79iu.html>

17. PNG Chief Justice discovers Manus Island detention centre is actually closed

ABC News Online

By PNG correspondent Eric Tlozek

Monday March 13, 2017

Papua New Guinea's Chief Justice has found the Manus Island detention centre has been closed, despite the fact that roughly 860 men remain in it.

Sir Salamo Injia has accepted a submission from the PNG Government, stating the centre has been closed and the refugees and asylum seekers within it are now accommodated at the navy base the centre was built on.

The 860 men inside the centre have not actually moved from their existing compounds, but have been told they are now living on the naval base.

The PNG Government needed to cease detaining the men in the centre to comply with a Supreme Court decision last year that found detention there breached their constitutional rights.

Sir Salamo told a sitting of the Supreme Court the Government had complied with the order by allowing the men to leave the centre during the day and by saying the centre was now part of the Lombrum naval base.

"The Government of Papua New Guinea complied with the court order and closed the Manus Island Regional Processing Centre (MIRPC)," he said.

"The transferees were allowed to move freely in and out of the MIRPC, and later when the MIRPC was shut down completely, they were accommodated at the nearby PNG Defence Force Navy base," he said.

The Australian Department of Immigration and Border Protection still lists the centre as being operational and housing 861 men.

Bid to stop deportation dismissed

Sir Salamo made the comments as the Supreme Court dismissed an application to stop the PNG Government deporting the 205 asylum-seekers whose refugee claims had been rejected.

The court found the men were no longer detained because they were allowed to leave the centre during the day.

Its decision means there are no impediments to further deportations.

The Chief Justice comments' signal difficulties for an ongoing application by the the asylum-seekers and refugees on Manus Island for compensation, full release from Manus Island and potential transfer back to Australia.

His Honour said the Government of PNG was solely responsible for the men and praised the process it used to determine their refugee status.

"A screening and decision-making process that yields a very high percentage (69 per cent) of asylum-seekers receiving refugee status bespeaks of a process that has been fair and merit based," he said.

"The process could not get any fairer than this.

"It would seem unfair, cause great inconvenience and financial hardship and cause prejudice and complicate the rights and obligations of the Government of PNG and the Government of Australia under domestic and international law, for this court to compel the Government of Australia and the Government of PNG to do more than their share of meeting their international obligations to help asylum-seekers in addressing their plight."

Sir Salamo found the men in the centre were still subject to restrictions on their movements simply because they were on a military facility.

"Military premises being what they are, the transferees are subject to the same restrictions that apply to its own inhabitants," he said.

The Chief Justice's comments and the submission that the centre is now closed are at odds with the PNG Government's publicly stated deadline to close it by October 31 this year.

PNG Ministers told an Australian delegation on March 8 they wanted the centre closed by then and asked for Australia's help in dealing with refugees who might not be resettled in the United States.

<http://www.abc.net.au/news/2017-03-13/png-chief-justice-discovers-manus-island-detention-centre-closed/8350600>

18. Manus centre has been closed, PNG chief justice says – despite the 800 men still held there

Sir Salamo Injia says he accepts that the government has complied with the supreme court's order to shut it down

The Guardian
Helen Davidson
Tuesday 14 March 2017 12.16 AEDT

The Manus Island immigration processing centre has closed, Papua New Guinea's chief justice has said, despite more than 800 men still being held there.

The surprise judgment came in a court finding that 166 men from the centre whose refugee claims have been rejected can be deported.

Sir Salamo Injia told the supreme court on Monday he had accepted a PNG government submission that the centre had been closed, in accordance with the court's directive last year that it was illegal and unconstitutional.

Injia said the PNG government had complied with the order, the ABC reported.

"The transferees were allowed to move freely in and out of the [Manus Island regional processing centre], and later when the MIRPC was shut down completely, they were accommodated at the nearby PNG defence force navy base," Injia said in explanation.

Since the supreme court ruling, some freedoms have been granted to the detainees, including the ability travel into the nearby town, but they remain in the same accommodation compounds and are subject to the restrictions of being inside a naval base.

Injia's finding is at odds with the apparent understanding of even the PNG government, which said on Monday it had a timetable to close the centre by October.

The supreme court also dismissed an application by more than 160 men who had sought an injunction against their deportation. The men were among more than 700 detainees – including refugees, non-refugees and asylum seekers – taking action against the PNG government for their illegal detention.

According to local media, the judges determined the men whose claims had been rejected could still be party to the case even if they were not in PNG, and thus could be deported.

Injia noted that the population of the Manus centre was 888 as of 6 March, including 614 refugees, 205 "non-refugees" whose claims had been rejected and 69 asylum seekers awaiting processing.

The Australian immigration minister, Peter Dutton, has been contacted for comment.

<https://www.theguardian.com/australia-news/2017/mar/14/manus-centre-has-been-closed-png-chief-justice-says-despite-the-800-men-still-held-there>

19. MEDIA RELEASE: We are not animals -- protest erupts in Manus detention centre

Sunday March 19, 2017
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Guards hastily withdrew from Mike Compound in the Manus Island detention centre last night (Saturday 18 March) after a protest erupted in the mess area following Border Force renovations that made the serving area more like a prison.

"It was a provocation," one detainee told the Refugee Action Coalition, "They treat us like we are in Guantanamo Bay."

Detainees had already objected to new arrangement which required detainees to reach over a small fence in front of the serving window for a single tray. But the final straw came when detainees asked security how one of the very short detainees could be expected to reach the tray. "You can lift him up," said the guards.

It was a provocation too far. The protest erupted and detainees tore down the fence in front of the serving window, and overturned table and chairs in the mess area (photos attached).

Wilson Security guards brought food this morning and set up tables inside the perimeter fence. But no guards or Broadspectrum officers are in the compound.

The protest is just the latest as tensions simmer inside the detention centre. It is a year since the PNG Supreme Court ordered that the detention centre be closed.

But moves to deport so-called double negative asylum seekers have started again after an application for injunctions to prevent the removals was strangely dismissed by the Supreme Court.

Just days after the court dismissed the injunction application, a Lebanese asylum seeker was forcibly removed after refusing \$30,000 to return "voluntarily" .

A directions hearing in the PNG Supreme Court for summary judgement regarding compensation for human rights breaches and consequential orders for the return for all Manus refugee and asylum seekers to Australia is scheduled for Tuesday, 21 March.

For more information contact Ian Rintoul mob 0417 275 713

20. Manus Island detainees riot over new food distribution system – reports

Refugees and asylum seekers complained that guards were taunting them, says detainee Behrouz Bouchani

The Guardian
Melissa Davey
Sunday 19 March 2017 14.44 AEDT

A riot has reportedly erupted between guards and refugees in the kitchen and dining area of the Manus Island detention centre, following complaints of taunting by security guards.

Detainee Behrouz Bouchani, a journalist and an Iranian refugee, said the conflict began as refugees were lining up for dinner.

“The problem was that the officers put a fence between the kitchen and refugees to manage the lines, but this fence slowed everything down and made a long line so the refugees had to stay in the line for a long time,” Bouchani said.

“The company claim that they put up this fence because some refugees take more food than they should, but the refugees think this fence is disrespectful and makes the line too long.

“The tension about this fence erupted into a fight and the refugees and officers beat each other with plastic chairs and water bottles, and pushed each other. After a few minutes the officers left the centre and all night the gates between the compounds were closed and the officers were ready outside of the centre.”

Bouchani said some refugees were injured but only one had sustained serious injuries, after he was hit by the collapsing fence. “I don’t know how the officers are,” he said.

Guardian Australia has put in a request to Wilson security, who manage the guards on the island, for comment. Guardian Australia has also contacted the office of the immigration minister, Peter Dutton.

According to a spokesman for the Refugee Action Coalition, Ian Rintoul, detainees had objected to a new arrangement which required them to reach over a small fence in front of the serving window for a tray to place their food on.

He said the riot erupted when one of the detainees asked security how one of the very short detainees would be able to reach the tray. The guard reportedly replied: “You can lift him up”.

Rintoul said he was told by detainees that about 200 people were involved in the riot, which occurred between 7pm and 9pm. Pictures seen by Guardian Australia show food trolleys and containers overturned, and food covering the floor.

Last week Papua New Guinea’s chief justice found that 166 men from the centre whose refugee claims have been rejected could be deported, and that it accepted a government submission that the centre had been closed despite roughly 860 remaining there.

It followed a supreme court ruling almost one year ago that detention of asylum seekers and refugees on Manus Island was illegal and in breach of the country’s constitution.

While some freedoms have been granted to the detainees, they remain in the same accommodation compounds and are subject to the restrictions of being inside a naval base.

<https://www.theguardian.com/australia-news/2017/mar/19/manus-island-detainees-riot-over-new-food-distribution-system-reports>

21. Iranian asylum seeker Mojgan Shamsalipoor in limbo awaiting Immigration Minister's decision

ABC-TV - Australian Story
By Megan Mackander and Kent Gordon
Monday March 13, 2017

An Iranian asylum seeker who was unexpectedly freed from detention after a surprise decision by Immigration Minister Peter Dutton is again living in limbo.

Mojgan Shamsalipoor, 23, has been living in the community in Brisbane for the past six months after being released from immigration detention.

Now she faces a new battle as her bridging visa — which allows her to live and work in the community — expires next week.

If the visa, which has already been renewed once, is not renewed again Ms Shamsalipoor faces the threat of being sent back to detention.

"It's really stressful to not know what will happen, so on March 21 we are hoping that it will be a good decision for us and it will be a happy ending," Ms Shamsalipoor told Australian Story.

Her lawyer, Kevin Kadirgamar, said while he welcomed the decision to allow Ms Shamsalipoor to live in the community, her future was still unknown.

"The minister has effectively recognised that she has never been a threat to the community and she has every capacity to be a productive member of society," he said.

"However, the bridging visa continues to place a shadow of uncertainty over her future in that the minister has not gone as far as allowing her the opportunity to reside in Australia permanently with her husband."

According to Mr Dutton, Ms Shamsalipoor does not meet the criteria for refugee status.

Ms Shamsalipoor claimed she would risk torture or even death if she returned to Iran, and she has no intention of going back.

Under an international agreement, Iran refuses to accept the involuntary return of asylum seekers, further complicating the situation.

Mr Dutton's office this week told Australian Story that the minister had nothing further to add to his previous statements on Ms Shamsalipoor's case.

"Ms Shamsalipoor arrived illegally in Australia on a people smuggler's boat in 2012 and sought to claim protection as a refugee," he said in a statement to the program in July last year.

"Her claims were thoroughly assessed by the Department of Immigration and Border Protection which found she did not engage Australia's protection obligations."

Mojgan fled domestic violence, rape

Ms Shamsalipoor said she fled her home in Iran after enduring rape and domestic violence at the hands of a family member.

She said she was also offered as a child bride to a man aged in his 50s.

Ms Shamsalipoor made the hazardous journey by boat and arrived at Christmas Island in 2012.

She applied for refugee status and while it was processed she was allowed out into community detention in Brisbane.

There she met her future husband, Milad Jafari, at a youth camp.

He also came to Australia by boat from Iran with his family, however he was granted refugee status.

"From that moment, I saw her eyes, I went 'this is it'. I couldn't talk. I was like 'wow'," Mr Jafari said.

"We were so happy before all these things happened."

Mr Jafari and Ms Shamsalipoor both attended Yeronga State High School in Brisbane's south, where she studied Year 12.

Deputy principal Jessica Walker said Ms Shamsalipoor was traumatised when she arrived at the school.

"It was a good year before Mojgan felt that she was able to come to school every day and have more good days than bad days."

Soon afterwards Ms Shamsalipoor and Mr Jafari moved in together and after two years they married.

However in 2015, the Refugee Review Tribunal decided that her case for asylum was not legitimate and she was taken back into detention in Brisbane but was permitted to attend school.

Mojgan's battle for freedom

In September last year, after almost two years in detention, including a period at Darwin's Wickham Point Detention Centre, Ms Shamsalipoor was unexpectedly released back into the community.

Mr Dutton used his discretionary powers to issue Ms Shamsalipoor a temporary bridging visa.

Ms Shamsalipoor's strongest advocates have been her husband and the teachers and students at Yeronga State High School. They mounted a year-long campaign to get her out of immigration detention.

Supporters ranged from a legion of schoolgirls to politicians who raised the case in state and federal parliaments.

But Ms Walker said the battle was not over.

"It's not the end of the journey because she's still not free; she's living in our community but it's on borrowed time," she said.

"When Mojgan was released that was just the most incredible day for us. However, there is still the shadow of uncertainty that hangs over Mojgan and Milad.

"The unknown is not a nice thing to live with."

Ms Shamsalipoor was part of a group released into the community in September which Mr Dutton said were "illegal maritime arrivals".

"They are not refugees and are expected to return to their countries of origin. They will not have access to permanent stay visas," a statement from the office of Mr Dutton said at the time.

Ms Shamsalipoor said the feeling of being back in the community was "surreal".

"I couldn't believe it was happening. Even in the last hours ... I couldn't believe this until I signed the actual visa," she said.

"It was like a dream coming true."

She is now living with her husband and his family in Brisbane and has already completed a course in health science as a step toward becoming a midwife. She is also working in retail.

"My dream would be ... to live peacefully without having that little bit of stress and I'd love to work and save money, I'd love to go to uni and ... I'd love to be a midwife."

Watch 'On Borrowed Time' tonight on Australian Story at 8:00pm (AEST) on ABC TV.

<http://www.abc.net.au/news/2017-03-13/iranian-asylum-seeker-mojgan-shamsalipoor-in-limbo/8321256>

22. Mojgan Shamsalipoor granted three-month bridging visa allowing her to stay in Australia

ABC-TV - Australian Story
By Megan Mackander and Kent Gordon
Friday March 17, 2017

An Iranian asylum seeker who was almost forced back into immigration detention has been granted a temporary lifeline to allow her to stay in Australia.

Mojgan Shamsalipoor, 23, has been living in limbo with her visa set to expire on Tuesday, March 21.

But in a meeting with immigration officials today, Ms Shamsalipoor was granted a new three-month bridging visa, which allows her to live and work in the community.

This is the second time her visa has been renewed since she was released from immigration detention in September last year.

"I'm really happy to have another three months, but it's not a great result as I'm still in limbo," she said.

"I want to feel freedom. I have never had freedom — not in Iran, not in Australia.

"I have never experienced freedom."

Ms Shamsalipoor's former school teacher and mentor, Jessica Walker, said not only was she allowed to remain in Brisbane, she was told there could be a possibility of "lifting the bar so she can apply for a partner visa".

She arrived in Australia via Christmas Island in 2012 as a teenager. She applied for refugee status and while it was processed she was allowed out into community detention in Brisbane.

It was there she met her future husband, Milad Jafari, at a youth camp.

However, in 2015 the Refugee Review Tribunal decided that Ms Shamsalipoor's case for asylum was not legitimate and she was taken back into detention in Brisbane but was permitted to attend school.

Ms Walker said Ms Shamsalipoor was relieved as she emerged from the meeting, clutching documents for her new bridging visa.

"She has another three months' reprieve and is looking forward to Persian New Year, [which begins next week], when she can celebrate with family and friends," Ms Walker said.

Meeting 'positive' but 'not enough'

Ms Shamsalipoor's Darwin-based lawyer, Kevin Kadirgamar, said he was told the meeting had a "positive vibe in the room" and that the immigration officer indicated the department was looking at granting a "more substantive visa — for instance a tourist visa — which would allow her to apply for a permanent partner visa without leaving Australia".

Ms Walker said it was a positive meeting but it was not enough.

"Mojgan deserves the security to live her life without this threat [of deportation or detention] hanging over her," she said.

Mr Jafari said they were both relieved with the outcome.

"We are relieved that at least we have three more months," he said.

"But we still have the constant fear that something worse may still come.

"I beg Minister [Peter] Dutton to end this trauma and give us our life back so we can call Australia home."

Earlier in the day, Ms Shamsalipoor had braced for the worst. Writing on the support page of her Change.org petition, she said:

"I'm so nervous they're going to take me back into detention or put pressure on me to get onto a plane, back to hell in Iran. My husband and I are shaking, terrified to learn my fate," she said on the site.

Since Ms Shamsalipoor's story, which aired on Australian Story on Monday night, there has been a groundswell of public support, including letters to Mr Dutton and a Change.org petition which has so far attracted 78,000 signatures.

Ms Shamsalipoor was part of a group of people released into the community in September who Mr Dutton said were "illegal maritime arrivals".

"They are not refugees and are expected to return to their countries of origin. They will not have access to permanent stay visas," a statement from the office of Mr Dutton said at the time.

Mr Dutton's office has been contacted for comment.

<http://www.abc.net.au/news/2017-03-17/mojgan-shamsalipoor-awarded-bridging-visa/8364240>

23. Iranian-born asylum seeker Mojgan Shamsalipoor granted bridging visa

Officials indicate immigration minister Peter Dutton will decide in coming months whether 23-year-old can apply for partner visa

The Guardian
Joshua Robertson
Friday 17 March 2017 20.12 AEDT

An Iranian-born asylum seeker has been spared a return to immigration detention after officials indicated that Peter Dutton would decide in coming months whether she can live with her husband in Brisbane.

Mojgan Shamsalipoor, whose plight in detention as a Brisbane high school student sparked a high-profile campaign for her release, was granted another bridging visa on Friday, days before her current visa was due to run out.

Shamsalipoor, whose bid to remain with husband Milad Jafari has won a wave of public support, said she was "happy and grateful" for the reprieve "because at least I can stay with my husband and friends for another three months".

"But it's stressful as well because you don't know what happens. Every three months I'm in limbo," she told Guardian Australia.

The 23-year-old, who fled Iran citing sexual abuse at the hands of men including individuals with ties to the government, has been denied refugee status by the government.

But her lawyer Kevin Kadrigamar said her case officer had indicated that a decision from Dutton, the immigration minister, on her long-term future in Australia “might well be forthcoming” before her visa expired in June.

The department has issued the only visa it can while Dutton considers Shamsalipoor’s appeal to lift the statutory bar and allow her to apply in Australia for a partner visa.

“He did decline to use that power last time but we know that since then he has used a separate power to grant Mojgan a bridging visa,” Kadrigamar told Guardian Australia.

“That’s a clear recognition that there are compelling compassionate reasons that warrant Mojgan’s stay in the community.

“We’re now asking the minister to reconsider in light of all the public support there has been since Mojgan has come into the community.

“She has proven herself as well over the last six months. She hasn’t stayed idle, she has completed a certificate three in health services since coming out of detention, she has been employed, hasn’t gone on welfare – and that’s not to mention the compelling reasons she has to be with family.”

Shamsalipoor wrote in an opinion piece for news.com.au on Friday: “I’d rather die than return to Iran. It’s better to die, even aged 23, than to return to torture over there.”

The Iranian government has said it would not accept those who are forcibly returned to the country.

Shamsalipoor has been working as a retail assistant in a shoe store and is saving with hopes of studying midwifery at university.

“I want to really feel the freedom for once and I want to stay here and be a normal person,” she said.

Shamsalipoor said the meeting with officials on Friday was “a bit positive”.

“It was softer. It wasn’t like before, it wasn’t that much pressure. But still we don’t know what happens. So we’re just giving ourselves that hope that the minister will reconsider and let us apply for a partner visa.”

Shamsalipoor said the best part of returning to Brisbane from detention had been that “I’m able to live with my husband and be with him and spend time with my friends”.

An online petition calling on Dutton to allow her to apply for that visa had attracted almost 84,000 signatures on Friday.

Support like that showed “a lot of people are caring and I really appreciate Australian people because they are the ones giving me strength and hope to stay positive, which is beautiful”, Shamsalipoor said.

She said some people had greeted her on the street since her story – in which she and husband, Jafari, met at school in Brisbane, fell in love and married before she was taken away to detention in Darwin – featured on the ABC’s Australian Story.

“It’s a beautiful feeling, to see people caring and they comment, say hello, say: ‘We have seen you, we are supporting you’.

“It’s like they’re welcoming me, they’re accepting me as their own.”

<https://www.theguardian.com/australia-news/2017/mar/17/iranian-born-asylum-seeker-mojgan-shamsalipoor-granted-bridging-visa>

24. 'He could not survive deportation': 92-year-old war veteran denied visa due to health costs

Canberra Times
March 19 2017
Michael Koziol

A 92-year-old war veteran and great-grandfather who has lived in Australia for 10 years is facing deportation back to Britain after being denied a visa and told he would be a financial burden on the health system.

James Bradley, who served with the British Royal Navy in World War II, has now made a last-ditch plea to Immigration Minister Peter Dutton to intervene and allow him to remain in Australia.

"Considering my background, I think I've been treated shabbily," he said. "I've waited in a queue for permanent residency for 10 years, only to be rejected. I'd like to be able to spend whatever time I've got left here in Australia with my family."

Mr Bradley and his 91-year-old wife Peggie are among 80,000 people waiting for a permanent parent visa – a limbo that can last as long as 30 years, in a system that migration experts say is broken.

When the pair came to Australia in 2007 to join their daughter Sharon, they passed mandatory health checks and were placed in the lengthy queue. Seven years later (and older), they were required to undertake further medical assessments, which Mr Bradley failed.

His limited mobility sees him use a walking frame and he is in the early stages of dementia. A final rejection notice in February 2016 informed the great-grandfather and war veteran he had fallen foul of sub-subparagraph 4005(1)(c)(ii)(A) of Schedule 4 of the Migration Act.

Mr Bradley was assessed to have a condition which would "result in a significant cost to the Australian community in the areas of health care and community services". As they were on a joint ticket, his spouse Peggie was also denied a visa, despite being in good health.

"Although we're old, we do play a part," says Peggie, who collects her nine-year-old granddaughter Karis from school most afternoons. "We can't believe that anyone knowing our history would have grounds for rejecting us."

A spokeswoman for the Department of Immigration and Border Protection confirmed the family's appeal was "being actively considered", but said it was inappropriate to discuss the case in detail.

Ministerial intervention was rare and the minister was not required to explain his decision on any case, she said. The case will be determined by assistant minister Alex Hawke.

The Aged Parent Visa is available to people over 65 who have a child settled in Australia. The department warns applicants they may be forced to wait up to 30 years due to significant demand and limited places.

At the end of June 2016 there were 50,544 people awaiting a non-contributory parent visa, which costs about \$4000, with only 1500 places available. A further 30,000 were in the pipeline for the fast-tracked version, at a cost of about \$50,000.

Just 150 of the cheaper Aged Parent Visas were handed out in 2015-16, compared with 450 the previous year, and 590 the year before that.

Migration agent Anna Dobos, of Michelle Porcheron Lawyers, said the system was objective but ineffective. "It doesn't suit any purpose to have people sitting in the queue 20, 30 years," she said.

Dr Dobos said many clients take out loans to pay for the speedier, high-cost visa. But the Bradley family understands that option is no longer available to them.

When Mr Bradley fell ill this week, the nonagenarians discovered their Medicare cards had been frozen. In letters to Mr Dutton, the family has begged for clemency and pointed to Mr Bradley's military service, which they feel has been overlooked.

"Every day, the uncertainty around their immigration status weighs on dad's bent shoulders like the heaviest of invisible sacks," Sharon wrote. "He worries terribly about what will happen to him and to Peggie ... when he is gone. He could not survive deportation."

<http://www.canberratimes.com.au/federal-politics/political-news/he-could-not-survive-deportation-92yearold-war-veteran-denied-visa-due-to-health-costs-20170314-guxlfe.html>

25. Minister intervenes to stop deportation of 92-year-old war veteran James Bradley

Sydney Morning Herald
March 23 2017 - 8:15AM
Michael Koziol

A 92-year-old war veteran who had been slated for deportation due to potential health costs has been granted a reprieve from Assistant Immigration Minister Alex Hawke, who has intervened in the case.

As Fairfax Media revealed on Sunday, the family of James Bradley had pleaded with the government for clemency, claiming the frail great-grandfather could not survive deportation to Britain.

Bureaucrats had determined Mr Bradley fell foul of a sub-sub-paragraph of the Migration Act, which can deny a visa if the applicant is deemed to pose a "significant cost" to the health system.

Mr Bradley and his 91-year-old wife Peggie applied for permanent residency in 2007 but were caught in the lengthy queue of about 80,000 people. Mr Bradley's health has since deteriorated.

Mr Hawke's office confirmed on Wednesday the minister has granted both nonagenarians a permanent visa, which will allow them to remain in Australia with their family for the rest of their lives.

"That's absolutely marvellous," Ms Bradley said upon being told the news. "I can't believe it. It's made my day. God bless him.

"I didn't know what was going to happen if we were suddenly dumped in a country that we'd left 10 years ago. We've been in the doldrums for the last month or two. We'll be able to sleep at night."

Daughter Sharon Bradley thanked Mr Hawke for his intervention and compassion.

"We just couldn't possibly be more thrilled. The feeling of relief is absolutely indescribable," she said.

"We're incredibly grateful to Alex Hawke for his rapid response, and for bringing some much-needed humanity and compassion to the proceedings.

"My heart goes out to other families who are still on that dreadful waiting list. It seems to be that the system is badly flawed and it needs to be addressed."

Mr and Mrs Bradley live with their daughter Sharon and grand-daughter Karon in the Sydney suburb of Croydon, and draw on their British pensions for daily expenses.

Official documents show the pair will be granted subclass 151 "former resident" visas, one of the few options available to the minister, which allow them to remain in Australia permanently.

The Bradley case, which made headlines in British newspapers and on television after Fairfax Media reported it on Sunday, highlighted the lengthy visa queues that can waylay potential migrants.

Mr Bradley passed medical checks when he applied for residency, but his health deteriorated in the 10 intervening years and he now relies on a walker. He is also in the early stages of dementia.

Specialist migration agent Anna Dobos said the system was objective but often "ineffective". "It doesn't suit any purpose to have people sitting in the queue 20, 30 years," she said.

<http://www.smh.com.au/federal-politics/political-news/minister-intervenes-to-stop-deportation-of-92-year-old-war-veteran-james-bradley-20170322-qv3lw2.html>

26. British war veteran granted permanent residency in Australia, ending visa drama

James and Peggie Bradley were faced with the threat of being deported back to Britain because James had failed a medical examination

The Guardian
Elle Hunt
Wednesday 22 March 2017 12.54 AEDT

A 92-year-old English second world war veteran and his wife have been granted permanent residency in Australia following a decade of uncertainty.

After 10 years in Sydney, James and Peggie Bradley were faced with the threat of being deported back to Britain because James had failed a medical examination and was refused an aged parent visa.

After an administrative tribunal upheld the original ruling, the Bradley family had escalated their case to the office of the immigration minister for ministerial intervention.

The Department of Immigration and Border Protection confirmed to Guardian Australia on Wednesday afternoon that Alex Hawke, the assistant minister for immigration and border protection, had "made the decision to intervene" and grant both James and Peggie permanent residency.

The Bradley family was notified around the same time. Their daughter, Sharon Bradley, said it was "fantastic" news – and "incredibly sudden".

“We did not anticipate it would be this quick.”

Supporting documentation requested by the department had been due on Wednesday, but it was not known when a decision was due.

Sharon said James, who has early onset dementia, was emotional at the news.

“He’s struggling to articulate how he feels. He’s really happy. Already I can see that heavy burden has been lifted off his shoulders ... I honestly think he’s feeling better physically because this crushing sense of uncertainty has been lifted.”

As for Peggie, Sharon said, “Mum just keeps saying ‘I can’t believe it. I can’t believe it. I can’t believe it’.”

The decision concludes a decade-long process for the couple, who applied for permanent residency under the aged parent visa scheme after arriving in Sydney in 2007.

The visa allows older parents live in Australia if their child is a citizen or permanent resident, but can take up to 30 years to be granted.

After seven years on the waiting list, the Bradleys were told they were approaching the front of the queue. But James Bradley, then in his late 80s and less mobile following a fall, failed his second medical examination and was refused a visa.

That decision was upheld by an administrative tribunal. As James and Peggie had made a joint application, both faced being deported back to England but were hopeful that global media attention they had received since Sunday would help make their case with the minister.

Asked if the assistant minister would like to comment on his decision by Guardian Australia, a spokeswoman for the DIBP said he was “not required to explain his decisions on any case” under the Migration Act 1958.

Sharon Bradley said she and her family were “incredibly grateful” to Hawke for the speed with which he made his decision. “But also the fact that, finally, a sense of decency and compassion and humanity has been brought to bear on the case.

“We’re just incredibly grateful to him and at the same time feeling sorry for the other families that are still in the queue.

“I hope they get to have a night like ours.”

<https://www.theguardian.com/australia-news/2017/mar/22/british-war-veteran-granted-permanent-residency-in-australia-ending-visa-drama>

27. Immigration Department set to deport grandmother who arrived in Australia as a two-year-old

ABC News / Radio National
Exclusive by Ann Arnold for The Law Report
Wednesday March 15, 2017

A Brisbane grandmother who has lived in Australia for 50 years is set to be deported after Assistant Minister for Immigration Alex Hawke denied her permission to stay in the country.

Maryanne Caric has not left Australia since she arrived with her parents as a two-year-old from the then Republic of Yugoslavia, and does not speak Croatian.

On March 1, Ms Caric, a convicted drug offender detained in Sydney's Villawood detention centre, was handed deportation papers. She has no connections in Croatia, and as far as she knows, will receive no financial or health support.

It's a case that raises questions about where Australia's obligations lie, and what responsibility we have for our citizens and non-citizens.

Ms Caric has been caught up in legislative changes introduced in 2014 which, among other provisions, made it mandatory that any non-citizen who was sentenced to imprisonment of 12 months or more, would have their visas cancelled.

A statement to The Law Report from the Department of Immigration said: "The vast majority of this group has committed serious or violent crimes."

When a migrant is deemed to have failed the character test under Section 501 of the Migration Act, their visa is cancelled. Many of these so-called "501s" have been New Zealanders.

Visa cancellations can be revoked by ministerial intervention, but in most cases that doesn't happen. In Ms Caric's case, Mr Hawke has acknowledged her likely fate in Croatia.

In his decision, obtained by The Law Report, he said: "I accept that having been away from her country of origin for close to 50 years and having no personal support network there, together with her health and substance abuse issues, that it would be extremely difficult for her to make the necessary adjustments to life there."

'I thought I was living as an Australian'

Ms Caric, who is also known by her birth name, Mirjana, is a lifelong drug user and offender. She is not sure how many years she has spent in jail. "In the double figures," she said in an interview from Villawood detention centre.

Many of her convictions were for possession, but she has also been convicted of supply, and of trafficking — a definition which can apply to supplying more than three people.

None of the offences were violent. "I've never broken in to people's houses or anything like that," she said.

Ms Caric left home in Brisbane at 14, fleeing a violent alcoholic father. Her older sister Katrina had already left, after marrying at 16. Katrina would continue to look out for Maryanne over the tumultuous years that followed.

At some point Maryanne, who has a broad Australian accent, slipped through the citizenship net. Katrina became a citizen when she married, and she later organised her parents' citizenship papers.

But Maryanne wasn't around at the time. She told The Law Report she never thought about visas or citizenship.

"I thought I was living as an Australian," she said.

"I class myself as an Australian. I have never been anywhere else. I've never left the country. I've never wanted to."

In Mr Hawke's decision, he said: "I find that the Australian community would expect non-citizens to obey Australian laws while in Australia."

Ms Caric's lawyer, Jason Donnelly, who wrote her submission to revoke the visa cancellation, said the decision not to revoke is "unreasonable in the moral sense".

"I think if you are a non-citizen who has only lived here for a small portion of your life, then I would probably say there is very good reason for Australia exercising its sovereignty to deport that person to their country of national origin," he said.

"However, for all intents and purposes Maryanne, coming here as a two-year-old, is Australian. And I think Australia does need to exercise a fundamental sense of compassion."

Caric received official warnings

In the latter half of her life, Ms Caric was officially warned, twice, in 2007 and 2010, that further criminal activity could result in deportation. She said she thought about applying for citizenship then, but figured there was little chance with her criminal record.

Mr Donnelly, who is a barrister and migration agent and lectures at the University of Western Sydney, queries these "so-called warnings", which are often given to people while they are in prison.

"They're often without the benefit of a lawyer, even often without the benefit of Legal Aid," he said.

"They don't often understand the legal effect of what those warnings mean.

"You can appreciate someone who has been an unfortunate long-term drug user might not necessarily understand the legal effect of what she is doing."

In his decision, Mr Hawke cited legal judgments where Ms Caric had been criticised for violations of parole conditions, uncooperative behaviour, and her repeated failure to cease offending, and to cease using drugs.

Ms Caric said she did try at times to get off drugs, but found it hard to get support. There is a chronic shortage of drug rehabilitation options in Australia.

"There's not that much help out there. You've got to have funds to go into these places. I had no funds," she said.

Drug use may not be over: Hawke

In 2015 Ms Caric was convicted of possessing 2.4g of pure heroin.

When her car was pulled over and the heroin found, police also found four mobile phones which indicated she was buying and selling illegal drugs.

Mr Hawke said although she had stopped using drugs during her most recent incarceration and detention, he wasn't persuaded she would desist in the future.

"She may again resort to drug use and criminal activities," he said.

Ms Caric said she was not asking anyone to feel sorry for her over her criminal history.

"What I'm asking is: I have lost everything. I have done all my jail. I have never run from the authorities. I've gone to court," she said.

"I didn't set out to break any laws. This has been my life. And it's been quite a miserable one.

"All I'm asking is please let me die in Australia. I just don't understand. I'm not a terrorist, I'm not violent, I'm not a bikie.

"I have two grandchildren. That's all I have left and now they want to take that from me."

Caric 'learnt her crimes' in Australia

Ms Caric's partner of 21 years died a year ago, just after she was brought from Brisbane to Villawood.

His body is still in the morgue. She is his next of kin, and she said the Immigration Department has told her it's not possible for her to bury him.

She is worried about methadone, which she is dependent on, not being available to her in Croatia, and that she will be living on the street.

"Sending me over there is sending me over there to die. I'm not getting on that plane," she said.

Mr Donnelly, her lawyer, said that although Mr Hawke is obliged to consider community safety in Australia, that is not the only issue at play in the case.

"Effectively what Australia is doing with long term non-citizens like Maryanne is deporting Australia's problems," he said.

"Maryanne learned her drug problems in this country, learned her crimes in this country. In fact, she learned everything about her life in this country."

Ms Caric plans to appeal the Assistant Minister's decision.

Her weary sister Katrina is dealing with a cancer diagnosis and an elderly mother in a nursing home who does not know Maryanne is to be deported.

"She's an idiot," Katrina said of Maryanne. "But she belongs here."

<http://www.abc.net.au/news/2017-03-15/grandmothers-visa-cancelled-faces-deportation-to-croatia/8355302>

28. MEDIA RELEASE: Refugee activists action to prevent deportation from Villawood

Friday March 24, 2017
Refugee Action Coalition
James Supple
mobile 0438 718 348

Refugee activists have gathered outside Villawood Detention Centre to try and prevent the deportation of a 60 year-old Iraqi man, 'Saeed', who came to Australia in 2012.

Saeed, from a religious minority in Iraq, faces persecution if he is forced to return there. His brother, who arrived on the same boat as him, made a successful asylum claim, but Saeed was refused on an administrative technicality. He has spent four years in detention, and is believed to be being deported to Iraq this afternoon.

The action follows Saeed's transfer to Villawood from the Melbourne Immigration Transfer Accommodation Centre, which activists tried to blockade yesterday.

"Saeed is still weak from his recent hunger strike," said Refugee Action Coalition spokesperson Ian Rintoul. "It is callous in the extreme of Peter Dutton to try to deport him back to danger".

"The same experiences in Iraq led Saeed and his brother to escape together," Rintoul continued. "While in Australia, he has been systematically prevented from exercising the rights he has as an asylum seeker. The fact he is being deported on a technicality when his brother has been recognised as a refugee is yet another example of Dutton's contempt for life and safety."

"Dutton and the government are trying to turn Australia into a post-rights country for refugees. It's unacceptable that Saeed is being deported at all; that Dutton's deporting him in his current state is even worse. We're gathering at Villawood to say that refugees should be allowed to stay in Australia, and to do everything we can to make sure Saeed isn't deported."

More information: James Supple, Refugee Action Coalition 0438 718 348

29. Asylum seeker deported from Manus fears for his life in Lebanon

Sydney Morning Herald
March 22 2017 - 1:06PM
Farid Farid

Cairo: A Lebanese asylum seeker, who spent four years in offshore detention on Manus Island, was involuntarily deported late last week to Beirut.

Bahaa Trad, 33, was offered \$30,000 by Australian immigration officials to voluntarily leave but refused and was deported.

"I arrived in Beirut wearing shorts because it all happened so quick. It was so cold that even Lebanese customs offered to give me pants. Can you believe it I didn't have time to pack pants?" he told Fairfax Media from an undisclosed location in Lebanon, fearing for his safety.

Trad says he spent a night in a squalid cell in Lorengau Prison on Manus Island, alongside hardened criminals, and was left without food or water for 24 hours.

"They just grabbed me and placed me in a cell and I couldn't protest so I just slept on a filthy floor. It's as if I was a terrorist to be treated inhumanely like this," he said. "They [Australian immigration officers] are monsters with no rhyme or reason."

Trad was then issued a travel document by the Lebanese embassy in Canberra, which he was not allowed to carry, in lieu of a passport. He claims the passport had been lost in the ocean as he sought asylum several years ago. He boarded the taxpayer-funded flight involuntarily on March 16. His ticket, seen by Fairfax Media, was billed to the Department of Immigration and Border Protection.

He was handcuffed briefly but says he was extremely distraught and on the verge of self-harm. He pleaded with the accompanying immigration officer on his flights via Doha and Singapore to remove them.

On the journey, Trad claims that he was harassed into signing a document by the accompanying officer without being privy to its contents. He refused.

"He tried to give me money when I arrived in Lebanon telling me that I needed to sign a receipt for it – I brushed him off because he still wanted me to sign this unknown document."

He described a harrowing four years in the detention centre on Manus Island, which has been internationally criticised for repeated human rights violations.

A recent survey found most Australians overwhelmingly believe that the cruel treatment of refugees in offshore detention centres should end.

The United Nations refugee agency was alarmed last month at the increased pace of deportations with two Nepali men forced to return to their country of origin. Up to 60 asylum seekers from various countries including Lebanon are reportedly slated for deportation.

"I am worried about my friends and what will happen to them," Trad added.

Azzam al-Sheikh, a friend of Trad's who is currently on Manus Island, distressingly told Fairfax Media by phone on Monday "they are targeting us Lebanese. We all have appointments with the authorities."

At his appointment on Tuesday morning, he was offered \$25,000 to return to Lebanon voluntarily or go to another country where he has relatives. He was told flights would be arranged for him. He was given no deadline to make a decision, but another detainee was given seven months to consider his options, he said.

Sheikh said his asylum claim was rejected about a year ago with no specific reason given. He said a country threat assessment, a standard procedure to process a claim, was not conducted in his case.

The 29-year old claims that prior to his appointment, immigration officers told him and 12 other Lebanese asylum seekers that travel documents were being prepared for their imminent departure.

He also noted that three had voluntarily asked to be returned to their countries of origin. It is unclear what their nationalities were.

"I rang the Lebanese embassy in Canberra to check for myself and they confirmed that travel documents with our names were being handed over to Australian authorities. This is baffling because we never asked for them," Sheikh said.

"I don't care about the money being offered. I told them [immigration officers] point blank even if they offer \$1 million, I can't go back home because I'll be dead."

Reuters reported last month that Bangladeshi and Nepalese asylum seekers on Manus Island were being repeatedly called to meet with Australian officials and pressured to take amounts of up to \$25,000 to return to those countries, or face deportation.

There have been few cases where asylum seekers have voluntarily chosen to resettle elsewhere such as Cambodia under a \$55 million deal between Australia and the Cambodian government. Only four detainees took that option – all but one Rohingya man from Myanmar have returned to their countries of origin.

Immigration department chief Michael Pezzullo confirmed earlier this week that asylum seekers were given the option of settling in Cambodia if they were not being selected to the United States, as part of a deal with former president Barack Obama to resettle up to 1250 asylum seekers detained in Nauru and Manus Island.

Fairfax Media asked the Department of Immigration & Border Protection about Trad's deportation and officials' meetings with the other Lebanese asylum seekers. A department official replied "these are matters for the government of Papua New Guinea".

A report from UNICEF and Save the Children estimated that the offshore detention program had cost nearly \$10 billion over the previous three years.

"It's like they're working in a mafia striking deals that put our safety in jeopardy. Where's international law in all of this? You must have an agreement with my country to guarantee my protection. You stole four years of my life imprisoning me and now suddenly you are sending me back," Sheikh added.

He says he would be in danger if deported involuntarily.

"They are sending us to our deaths over there. Just leave us in this prison like the others."

There are more than 800 asylum seekers in detention on Manus Island. Last year, Papua New Guinea's Supreme Court ruled the camp was illegal and needed to be shut down.

Trad is anxious about his movements in Lebanon shuttling hurriedly in the dead of night between safe houses and spending most hours of the day indoors. He told Fairfax Media the same political reasons that drove him to seek asylum were still at play and that he was planning his escape once more.

With the civil war raging in neighbouring Syria, Lebanon has been the recipient of the spillover violence across its fragile border.

"I want to leave the country again. The Australian authorities have put me in a tough position, either I die here or I go back to Manus where we were treated like animals."

He enumerated the psychological toll of detention over four years and how it still paled to the fears for his safety in his home country.

"For four years I was not a human, I was a number. They made me forget my name. I was LAL-072."

"That's the number if you want to eat, that's the number if you want toothpaste, that's the number if you want shampoo, that's the number if you go to class," he added. "That number is my life".

<http://www.smh.com.au/world/asylum-seeker-deported-from-manus-fears-for-his-life-in-lebanon-20170320-gv2lpx.html>

30. Nauru police detain group of Australians

Canberra Times
March 21 2017 - 10:10AM
Michael Koziol, Fergus Hunter

A group of Australians has been detained by local police on the island of Nauru, Fairfax Media can reveal.

The Department of Foreign Affairs and Trade said the Australian government was providing consular assistance to "a number of Australian citizens detained" on the island.

"Due to privacy obligations we are unable to provide further information," a DFAT spokeswoman said on Monday night.

A source at the Australian consulate in Nauru said consular staff had visited two people at the Nauruan police station on Monday afternoon.

"They were working at the detention centre," the source said. "They don't know why they were detained."

It is not clear who the people are, their reasons for being in Nauru or whether they have been charged. The consular source said they did not know which "stakeholder" the Australians were working with at the centre.

There are several foreign companies providing services to the detention apparatus on the tiny island nation, including Broadspectrum, Wilson Security, International Health and Medical Services (IHMS) and Canstruct.

Two non-government sources with contacts on Nauru told Fairfax Media that Australian Border Force officers and Wilson Security employees were frequent visitors to Nauru's prison facility on Monday.

Broadspectrum, Wilson Security and the Nauruan police department have been contacted for more information.

Workers at numerous international organisations are responsible for 380 men, women and children currently detained at the Australian-run facility in Nauru.

The facility is designated as "open" meaning refugees and asylum seekers can leave during the day and return at night.

In 2015, Nauruan police arrested nearly 200 refugees and asylum seekers after a wave of protests about their detention.

<http://www.canberratimes.com.au/federal-politics/political-news/nauru-police-detain-group-of-australians-20170320-gv2l4t.html>

31. Notorious people-smuggler Captain Bram jailed for six years in Indonesia

Sydney Morning Herald
March 17 2017 - 3:39PM
Jewel Topsfield, Amilia Rosa

Notorious people smuggler "Captain Bram", who organised the asylum seekers' boat at the centre of the notorious 'cash for boat-turn-back' scandal in 2015, has been sentenced to six years' jail in an Indonesian prison.

Abraham Louhenapessy, aka Captain Bram, was also ordered to pay 500 million rupiah (about \$50,000) or serve another six months behind bars after a panel of judges in the Rote Ndao Court found him guilty of immigration offences.

Prosecutors had requested nine years' jail in addition to the fine, arguing he was a repeat offender.

Judge Hiras Sitanggang said Louhenapessy had caused people smuggling to flourish and had been convicted of the same crime before.

The judges on Rote Island heard Louhenapessy purchased a fishing boat for 65 asylum seekers from Bangladesh, Myanmar and Sri Lanka to travel to New Zealand in mid-2015.

Fairfax Media revealed that an Indonesian police investigation had discovered that Australian authorities had intercepted the boat and paid its crew \$US32,000 to return the asylum seekers to Indonesia.

The "cash for boat-turn-back" case caused a diplomatic incident between Australia and Indonesia, led to a Senate inquiry and prompted Amnesty International to call for a Royal Commission.

The payments were not denied by former Prime Minister Tony Abbott, who said the Australian government intended to "stop the boats" by "hook or by crook".

According to the court indictment, Louhenapessy was given 1.5 billion rupiah (\$150,000) by Sri Lankan people smuggler Vishvanathan Thineshkumar in February 2015 to organise a boat to take "illegal immigrants" to New Zealand.

He also hired another man to recruit crew and a captain.

During the trial, Louhenapessy confirmed the testimony of a crew member, who said he had been promised 100 million rupiah (\$10,000) if the boat reached New Zealand successfully.

Defence lawyer Yesaya Dae Panie told the court Louhenapessy was sorry for his involvement in people-smuggling operations. "But he didn't just do it for the money. He also felt for the immigrants," Mr Yesaya said.

Louhenapessy refused to comment outside the court. Both the defence and prosecution have seven days to decide whether to appeal.

"My client will consider the sentence," Mr Yesaya said.

However, Mr Yesaya said he believed the sentence was fair and on par with the penalty received by Captain Yohanis Humiang, who was sentenced to five years and eight months' jail in January 2016,.

Captain Yohanis testified during his trial that Australian officials paid him \$US32,000 to return 65 asylum seekers to Indonesia.

Louhenapessy escaped a jail term in 2010 for organising another attempt to bring more than 250 Sri Lankans on an overcrowded boat to Christmas Island the year before.

The ship was intercepted by the Indonesian navy after the personal intervention of former prime minister Kevin Rudd , who contacted former Indonesian president Susilo Bambang Yudhoyono.

Many of the Tamils on board refused for months to disembark when the boat docked in Western Java.

At the time, Indonesia did not have anti people-smuggling laws, and Louhenapessy got away with a fine for breaching sailing laws.

Indonesia passed laws criminalising people-smuggling in 2011, with penalties of between five and 15 years in prison for those people convicted.

<http://www.smh.com.au/world/notorious-peoplesmuggler-captain-bram-jailed-for-six-years-in-indonesia-20170316-guzywl.html>

32. Indonesia court sentences notorious people smuggler 'Captain Bram' to six years' jail

ABC News Online

By Indonesia bureau chief Samantha Hawley

Thursday March 16, 2017, 4:17pm

An Indonesian man who organised the failed asylum seeker journey at the centre of the cash-for-boat-turn-back scandal with Australia has been found guilty of people smuggling.

Rote Island's district court in Indonesia's south-east sentenced Abraham Louhenapessy, who is commonly known as Captain Bram, to six years' jail and fined him 500 million Rupiah (\$50,000). He had arranged the failed asylum seeker journey to New Zealand in May 2015, including buying the boat.

The same boat was intercepted by Australian officials, who allegedly gave the captain and his crew \$US32,000 to turn back to Indonesia. Captain Bram has been convicted for people smuggling offences before, including for trying to bring more than 200 Sri Lankans to Australia. It was alleged he was involved in the smuggling of more than 1,000 people to Australia since 1999.

<http://www.abc.net.au/news/2017-03-16/indonesia-people-smuggler-captain-bram-jailed/8361418>