

## ***STRENGTH AND KINDNESS***

### ***Brigidine Asylum Seekers Project (BASP)***



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*I was a stranger and you made  
me welcome ...*

***Newsletter 64 May 2013***

The Project aims to:

- \* provide hospitality and practical support for asylum seekers
- \* actively network with like-minded individuals and groups who are working for justice for asylum seekers
- \* promote advocacy for the rights of asylum seekers
- \* raise awareness of asylum seeker issues and concerns through a range of activities

Mohamad (not his real name) who has been locked up in detention for over three years asked to talk to two of us who were visiting the Melbourne Immigration Detention Centre recently. He said he wanted to know if we would help him if and when he was eventually released. He said he was frightened he did not know how he could cope because he had forgotten how to do ordinary things. Would he be able to get accommodation? Would he know where to go? How would he find his way around—he had never been in Australia except in a detention centre.

To see a man who really looks confident and ready to live and act independently, if given the chance, reveal a level of institutionalisation and insecurity was extraordinarily sad. To put this into the context of Mohamad's history compounds the evil of the situation. This man is a stateless Faili Kurd who has now been in detention for forty three months.

A little about the Faili Kurds. Thirty years ago, in April 1980, between 220,000 and 300,000 Iraqi Faili Kurds were stripped of their Iraqi citizenship. Many were expelled from their homes and were forced to march across the Iranian border into decades of exile and statelessness. Others became non-citizens in their own country. In Iraq it is essential to hold a nationality certificate in order to access work, education and other basic rights and opportunities. The nationality certificate is often required to obtain other kinds of documentation such as birth, death and marriage certificates. Without a nationality certificate many Faili Kurds have been denied access to basic services and rights for at least three decades.

Mohamad has gone through all the turnstiles and hoops that are part of Australia's process for determining refugee status. He was found to be a refugee in April 2011 and passed the security assessment in May 2011. Then he was charged, along with many others, of having engaged in the destruction of property (breaking a window) in one of the detention centre riots. After Mohamad was charged, he was sent to four different prisons and placed in high security in each one. After he had been eight months in prisons, the High Court intervened and he was transferred back to immigration detention. Then he had two months of going to court each day and was found not guilty. Over two months later he is still in detention. This may be because, even though he was acquitted, he has to go through the Minister's Character determination tests.

The claim is that Australia's immigration detention is administrative, not punitive. There are hundreds, at least, of stories like Mahamad's which would make us question this.



## Advertisements to be ashamed of?

The advertisements urging people who want to seek asylum to 'come the right way' have been placed in Leader Newspapers across Melbourne. What is the purpose of these and why are they so grossly misleading? Of course if places were available people would not put their lives at risk.

Virtually every day we meet or talk to people who long for their families to be able to come and join them. They can't even apply for their families to come because of the long drawn out process of getting a Permanent Visa themselves.

And then when they can apply the money involved for the initial application, a multitude of checks, and the fares for families to come is exorbitant. One mother we know with eight children stayed in Indonesia for twelve years, having fled from violence in Afghanistan, seven years of which she had a UNHCR registration card, gave up in the end and came with all her children on a boat. How many more years was she expected to wait to 'come the right way'? Those who have applied have to wait for well over a year to have their families join them and in the meantime they are sick with worry because, with almost no exception, the families are at huge risk of being subjected to violence and even killings.

The fact is that Migration agents across the country have the facts of family reunion/ humanitarian visa applications from wives and children in Afghanistan and Pakistan who daily face death by Taliban bombs or targeted killing. These families are waiting up to eight years for visas.

Syria, Iraq, Iran, Sri Lanka- the story is repeated. Waiting for visas that never come.

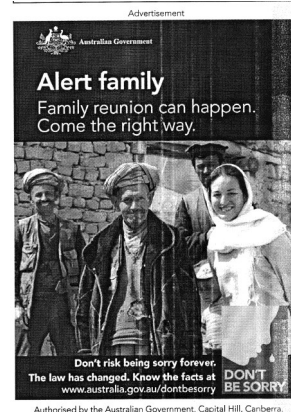
For Rohingyans from Burma and refugees from camps in Africa, the situation is even more dire.

Even when UNHCR give them positive refugee assessments the Australian Embassy in Jakarta has a blanket ban on giving visas to refugees from these groups so they have no choice than to risk their lives on boats in order to put their claim at Australia's front door. In August of last year, the Expert Panel, commissioned by the Government to offer recommendation to stop people being drowned at sea, as one of its recommendations said: Those who arrive by boat should not be eligible to sponsor family members to join them.

Recently, the Gillard government launched a spate of advertisements encouraging Sri Lankan Australians to advise their relatives and friends on the island to avoid getting on boats headed for our shores. Two television commercials, as part of the campaign dubbed "Don't be Sorry", feature retired Tamil cricketing legend Muttiah Muralitharan and fast-bowling Sinhalese captain Lasith Malinga.

"If people want to consider travelling to Australia, our message is do it the right way; don't be sorry you didn't tell your friends and family to do it the right way" Malinga tells his Australian fans. Muralitharan's nearly identical message also highlights the hundreds of people who have died attempting to make the journey in recent years.

What about an advertisement that says "If you are suffering from human rights abuse and make application for protection in Australia, your situation will be considered with compassion"!



<http://www.hazarapeople.com/2011/10/26/>

## A Visit to an Immigration Detention Centre in March

They sit quiet and dignified as usual but with overwhelmingly sad and hopeless expressions. They are four men from Afghanistan. Earlier on this day, Tuesday, 5<sup>th</sup> March, they had gone into DIAC, level 15 on the corner of Spring and Lonsdale Streets to have their visas renewed. They had been told they could not go home, the Minister had not signed their visas for renewal and they were going to be taken to Maribyrnong Immigration Detention Centre.

Another step in the journey: Afghanistan, Pakistan, Malaysia, Indonesia, Christmas Island, Darwin IDC, Scherger IDC, Melbourne IDC, Darwin IDC, Melbourne Immigration Transit Accommodation, Community Detention, a Bridging Visa and now back to Melbourne IDC. And the next part of the trip: Sandi Logan, spokesperson for DIAC said on radio “These men have had every chance, they will be deported”.

Their biggest concern: When I was in detention before, I asked people to support my wife and kids and they gave a bit of money to them. I have been trying since I got out of detention to pay them back and still send money to my family. Now I can’t again. They are in Quetta, close to where the bomb went off last week. My neighbour’s kids were killed.

These men have done nothing to be singled out to end up back in detention. Three were working, paying taxes, totally law abiding. One is over 60 years old. They are on Bridging Visas in the community. DIAC says they are determined to deport some people “to maintain the integrity of the system.” It had been assumed they would wait to see the outcome of a court case that was centred on whether the process these men and many others like them had been through was fair and reasonable.



couriermail.com.au

We talk as best we can. We try to give them some comfort. We will get lawyers. We will get an injunction to stop their deportation in the short term. We assure them they have friends. They tell me not to worry, that they are so grateful for support. But they also tell me they are so stressed. They cannot even bear to think of what happens next.

In one breath they ask us to try to get them out because they will lose their job and then try to save them from going back to Afghanistan

because their families will have no-one to look after them if they are killed.

We have heard other people saying when considering Australia’s reactions to and treatment of asylum seekers, “I am ashamed to be an Australian”. As we visited them on that Tuesday night, we shared the thought “This country wears a thin veneer of care and concern for the troubled people of the world and for the less fortunate in our midst. In fact we are as harsh and horrible as any of the totalitarian regimes in the world. We are quite prepared to make some suffer to warn others that we have the might and power to do so.”

### There are many ironies

More than 90 per cent of boat people were found to be genuine refugees in the March quarter of this year, figures to be released on Monday show. But asylum seekers who arrived by plane – despite being eligible for release into the community – were almost twice as likely to be rejected as refugees. Those arriving by boat are mandatorily detained—those who arrive by air (with few exceptions) live in the community.

A Swedish diplomat, Raoul Wallenberg, who saved tens of thousands of Jews during the Holocaust has become Australia's first honorary citizen. Under Australia's current mandatory sentencing regime for 'people smuggling', he would receive a minimum 5 years in prison.

## **What is happening to families and individuals who arrive after August 13, 2012 when the 'no-advantage' principle was introduced?**

The 'No advantage' principle is harsh (a brutal reality expressed in compassionate language). Transfers of asylum seekers to regional processing facilities in Nauru and Manus Island, Papua New Guinea, were re-established following the Australian Government's policy announcements on August 13, 2012. "People who pay smugglers are risking their lives and throwing their money away," Mr Bowen said. "There is no visa on arrival, there is no speedy outcome, and there is no special treatment."

Irrespective of whether IMAs (Irregular Maritime Arrivals) stay in Nauru or Manus Island for the period of their status determination or are moved to Australia, the same principle applies to all. Their position in relation to refugee status and resettlement would not be advantaged over what it would have been had they availed themselves of assessment by UNHCR within the regional processing arrangement. However, as the United Nations High Commissioner for Refugees, Mr António Guterres, has made clear "there is no 'average' time for resettlement", and that resettlement cases are prioritised according to vulnerability and need. So their applications are not being processed.

So whatever about 'no advantage' currently, it is pot luck where boat arrivals end up -

- Some are sent to Nauru/Manus Island
- Some are sent to remote detention centres
- Some are sent to MITA or other city based centres
- Some are on CD/Bridging Visas
- Some are screened out; others are screened in



Inside the offshore processing centres, where protest, self-harm and suicide attempts are a brutal fact of life. [from ABC 4 Corners site]

### **Screening out**

DIAC is now rejecting some asylum seekers who arrive by boat without hearing their case or allowing them to see a lawyer to discover their rights. The right to seek asylum is an internationally accepted legal principle and it has long been a cornerstone assumption that asylum seekers are told their rights when they arrive in Australia.

But that is no longer the case. People are given an informal verbal interview in which the department has determined that Australia doesn't owe protection to them and won't allow them to do a refugee application. eg. 38 of those who arrived at Geraldton. As a party to the Refugee Convention, Australia has agreed to ensure that people who meet the United Nations definition of refugee are not sent back to a country where their lives or freedom would be threatened. This is known as the principle of non-refoulement. The screening out process looks like a denial of non-refoulement.

**So what is Australia doing now about the queue and those who jump that queue?** Accessing Off Shore Visas. A requirement for getting on the waiting list for consideration for a Refugee visa is that UNHCR has made an assessment and given a person refugee status. There are enormous inequities in people's ability to access UNHCR. It is especially difficult for Afghans. There is no office in Afghanistan. There is an office in Quetta, Pakistan, but it is located in an area where the Taliban are active and it is very dangerous for Hazara people to try to access. It is also quite a distance from Hazara town. Those who manage to get to Malaysia may sometimes be able to achieve UNHCR registration after a long wait. This will simply place them on the very long waiting list.



**And getting family reunion?** Via Off Shore Humanitarian Visas. The numbers of these visas available to refugees here in Australia are such that to sponsor families is so limited that the waiting period is now around 20 years or longer. Departmental allocations and visa grants are made based on Government priorities.

**Special allocations:** From time to time special consideration is given to asylum seekers from certain countries. For example:

- 1989-91, 37,000 Chinese students studying in Australia were granted asylum following the Tiananmen Square massacre.
- 1975- 1985, some 250,000 Vietnamese asylum seekers were granted visas.
- 2010/11, 500 Refugee visas were reserved for Iraqis.
- 2012/13, 1000 Refugee visas have been allocated for Syrian asylum seekers.

There has never been an allocation for Afghan or Sri Lankan asylum seekers, despite the well documented massacres of Hazara and Tamil people in the past few years.

**Country of origin:** In countries such as China, or Iran, where large numbers of asylum seekers originate, they are able to access a variety of visas in their home country – student, tourist, carer, etc. Thus they can arrive in Australia with a legitimate visa. Either when they arrive in Australia, or when these visas expire they are then able to make an asylum claim. This will be handled completely within the regulations of the Migration Act, with the claimant having full legal rights and access to RRT and courts. By comparison, in Afghanistan the Embassy has no visa function of any kind. Afghans seeking asylum must flee to other countries, such as Pakistan or Iran, where they are illegal residents, and then try to move on somewhere else to access asylum.

**Can we do better?** The world doesn't fall in when we take a less complicated approach. Eg. Following the Tiananmen Square massacre of pro-democracy demonstrators, in 1989, Prime Minister Bob Hawke immediately offered asylum and permanent visas to 43,000 students studying in Australia. Approximately 37,000 accepted the offer and were granted permanent visas. In total, when dependents and families were also granted visas the figure was around 300,000.



**Houses, units, bungalows** desperately needed.

Families and single men are being released from detention and, apart for an initial short time, have to find accommodation. A single mother with one child was distraught recently as she received news that she was being released on a Bridging Visa. Some other families are being released into Community Detention which, while more restrictive in many ways, does mean accommodation is provided.



If anyone knows of moderately priced accommodation could you please let us know.

## **In the grey world of ASIO intervention**

In October of last year the High Court ruled that a 36-year-old Tamil, who has been in detention in Melbourne for almost three years after receiving an adverse security assessment from ASIO, should have his case for a Permanent Visa reconsidered. He had already been granted refugee status. Lawyer David Manne, who led the case, immediately called for his client to be granted his freedom and flagged further legal action if the government failed to review all similar cases. The Tamil at the centre of this action is still in detention and so are all the others who are similarly there because of negative assessments by ASIO.

David Manne is again back in court with his legal team arguing that the Government has not followed the High Court's ruling because, six months later, he is still locked up and there is no decision on his refugee visa, an application that he made almost three years ago.

All those detained in Melbourne because of adverse ASIO assessments are men but in Sydney there are a couple of women and children. The most well known case is that of Ranjini and her three children. Ranjini's dead husband was a member of the LLTE (*Liberation Tigers of Tamil Eelam*), popularly known as the Tamil Tigers).

### **What is happening to these men in detention?**

Some weeks ago a couple of us sat on a number of occasions talking to some of those people who are being kept in indefinite detention by adverse ASIO assessments. Most are Tamils, one is Burmese, one Iranian and one Iraqi. They each want us to write a letter of support. We had met most of these men before: a number of them in Scherger Immigration Detention centre in 2011. Another was in a ward for mentally ill people more than a year ago and we visited him there. He had attempted suicide then and has done so again. He has had a minor stroke and his face is now distorted.

Each one of the men tells us about this life through the civil war in the first part of this century. One shows us his foot with three toes and a part of his foot blown off in a land mine, others show scars on their legs. All evidence the scars in their minds and emotions.

They smile wryly when we ask the Tamils about the LLTE. Everyone asks them that. Why are we asking because we know the LTTE is a guerrilla organization that sought to establish an independent Tamil state, Eelam, in northern and eastern Sri Lanka.

All of these men lived in the north (Jaffna) or the east of Sri Lanka. Over a lot of their lifetime the LLTE controlled the whole of this area. The Government troops controlled other parts. Whoever controlled an area had responsibility for the police, the banks, the finance, the courts, the transport and everything else. How could you not be part of the LLTE if you were in their controlled area?

Most don't seem to be angry about the letters they are receiving from Margaret Stone as part of the 'independent' review of their cases. These letters give 'reasons' for their ongoing detention but the reasons are so general they would fit anyone who lived in the area. "You might be a security risk to Australia".

We are amazed that they organise themselves so that one who can speak English with some ease is available to assist those who cannot make themselves understood. And that those who need the support letter first get the first

chance to sit with us. They must have differences but these do not disrupt the way they present themselves to us. Last week they had cooked some food and they were intent on a few of us partaking at the table they had improvised.

We wonder what sustains them (although there are many instances of self harm). They tell us their religion – and they all seem to totally respect each other's religious adherence. During the recent hunger strike they asked for someone to come and give them a blessing. The priest who came was refused entry.

### **So what of the Tamils who are still arriving seeking protection?**

On Wednesday 22nd May, the Australian government separated 14 Sri Lankan Tamil asylum seekers, 4 men, 3 women and 6 children (including a 6 month old baby), who arrived by boat and were detained in a remote immigration detention centre on Christmas Island from other asylum seekers and informed them that:

a/ They are not going to be allowed to make an application for asylum.

b/. They are going to be forcibly deported to Sri Lanka.

These 14 sent emails requesting both legal support and advice and stating clearly that "If I go back to Sri Lanka I will be tortured or be killed by the Sri Lankan authority. I have evidence and documents to prove my claim to seek protection in Australia."

Legal action stopped the deportation. However the Department of Immigration simply replaced these with a couple and their two children and deported them before any intervention could occur. (At this stage there is only evidence of these four being deported but it is impossible to be sure who was actually on the plane). This is surely a low level in terms of Australia's human rights record.

Australia has refouled (that is sent people back to a place of danger) more than 1000 asylum seekers to Sri Lanka in the last six months in this manner. The vast majority of these are Tamils and they have been deported without being allowed to apply for asylum and without giving them access to legal representation.

There is evidence that there are approximately 330 people locked up in Negombo prison (a notorious prison outside Colombo) who have been returned from Australia, including 30 people imprisoned in one week in May from the 100 plus who were deported. Sources within the prison have verified that this is so.

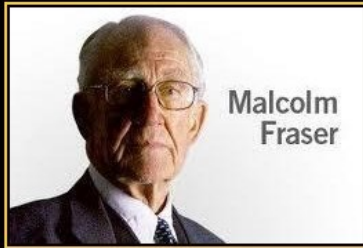
Australia has deported hundreds of Tamils over the past month. They have been 'screened out'. What a sanitised way of describing a lack of compassion and decency.

### **One ASIO decision overturned**

On the 22nd May Manokala Jenaddarsan, 41, and her six-year-old son, Ragavan, can now be released into the community because the ASIO negative assessment for them has been overturned. Only hours after this decision the men at MITA have some new hope in their hearts: will this mean a chance for them?



At the recent hunger strike at MITA



Malcolm Fraser

## 250,000 REFUGEES...

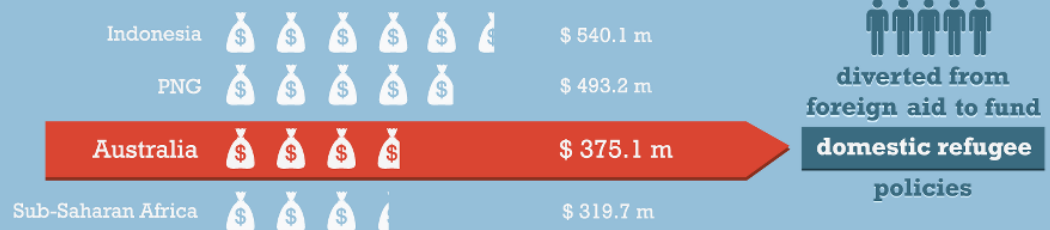
...WERE RESETTLED IN AUSTRALIA BETWEEN 1975-1983.....DID ANYONE NOTICE ?

Some revealing images and information

## How Foreign is Foreign Aid?

Australia spends just 1.4% of its federal budget on foreign aid.

### So, who receives it?



**This makes Australia the 3rd biggest recipient of its own foreign aid.**

Sources:  
DEAT (2013) Portfolio Additional Estimates Statements 2012-13 - Foreign Affairs and Trade Portfolio  
Commonwealth of Australia (2012) Budget: Budget Strategy and Outlook, Budget Paper No. 1, 2012-13

[australiainstitute.tumblr.com](http://australiainstitute.tumblr.com)

**The Australia Institute**  
Research that matters.

If we didn't have detention centres we would save most of this money.

### Is it working?

The 'no advantage' principle which is intended to minimise incentives for people to risk their lives in dangerous travel to Australia by boat is not working. More than 11 000 people have arrived by boat since the 13 August 2012 (as at 2 April 2013). Proving presumably that those arriving are escaping something worse than our punitive system.

Those arriving by boat since August of last year are being kept in detention for what is supposed to be a minimum time—but is often months and then released into the community on Bridging Visas. They are not given any furniture or other household needs and have to live on 89% of Newstart. They are not having their applications for protection processed and there is no timeline for this to happen. They will effectively be living in limbo for an indefinite time.

### What would the Coalition do?

Some of the policies being put forward by the Coalition include:

- Getting rid of Labor's plan to increase humanitarian intake from 13, 700 to 20, 000
- Commitment to "stop the boats"
- Navy under new orders to "turn around the boats"

Asylum seekers on bridging visas to work for their welfare [Article in Age 31 March]



## Good News



In 2006, late one Friday evening, Brenda Hubber, from the Melbourne Catholic Migrant & Refugee Office, brought a young man, Sadou to Albert Park seeking accommodation for him. Sadou had gone to St Paul's Cathedral in the city, been referred to Brenda who in turn brought him to us. Sadou stayed with us for most of 2006 and then moved to a bungalow in Sunshine West and then to Perth for a job. Sadou has remained a close friend of many in BASP. He is married to Mariama, who had lived in Paris but originally came from the same place in French Guinea as Sadou. They are expecting their first child and they recently visited us for a few days. It was a wonderful reunion for all of us.



Sadou and Mariama

Some of the best good news stories are **family reunions**. The joy of these moments simply can't be captured in words.

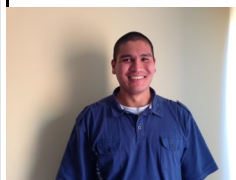
Ayekoko was with us in the Ardeer house for two years. His wife and two sons arrived a couple of weeks ago, after months of agonising attempts. Ayekoko is employed by the Brotherhood of St Lawrence and drives a delivery truck.



### Helping with filling in family reunion forms

We have several volunteers now helping people who have a Permanent Visa fill in the applications and get the necessary documentation for family reunion. This is a wonderful help. It is a way of giving practical assistance along a road that hopefully ends in sheer joy.

Mohammad Rezaie is 25 years old and is an Afghani refugee. He was selected for the **Australian National Kyokushin Karate team**. He has already won four major events. Mohammad came by boat in 2010 from Iran, had twenty months in detention and eleven months in Adelaide. He was granted a Permanent visa last year. Currently, Mohammad is living in Ballarat with his coach, and going to China, New Zealand and Japan this



year. Next year he goes to the world championships in South Africa. We wish him good luck.

### Celebratory meals

We constantly get amazed at the ability of people who have gone through so much to be ready to offer hospitality and enjoy



a celebration. Niankok moved from the BASP Albert Park house recently and had a good send-off party.



For everyone who has been to an Afghani celebration the kebabs on big skewers has become familiar. These with the distinctive bread and Coke (presumably not traditional)!



## How you can help ...

### Advocacy

Write to your local member of Parliament (or call in and see them) and ask for a more humane approach to asylum seekers

### Food that is very welcome

Eggs, sugar, rice, flour, salt, two minute noodles, cooking oil, tea and coffee, long life milk, tuna, canned tomatoes, canned fruit, spaghetti or other pasta, chick peas, canned beans

### Other goods always in demand

Cleaning materials and dishwashing detergents, toilet paper

### Something Special

A voucher for Coles, Big W, Kmart or similar stores allows asylum seekers the independence to buy something they really want and need.

### Employment

We are very keen to hear from anyone who has a job opportunity for asylum seekers.

Contact: (03) 9696 2107 or [bssc@cyberspace.net.au](mailto:bssc@cyberspace.net.au)

### Donations

Donations can be made by cheque to Brigidine Asylum Seekers Project, 52 Beaconsfield Pde, Albert Park or directly to **Brigidine Asylum Seekers Trust Account: bsb: 083-004; a/c: 56-924-6603**

## THANK YOU!

We are as always grateful for your assistance—and for your kind words and support. There do seem to be many needs at the present time. People have given us knitted beanies, rugs, groceries, and many other things. Thank you.



With your assistance, we have helped in things as diverse as helping to fund a test to determine the age of an asylum seeker (to prove he is still a minor) to helping the families who are destitute overseas while the only breadwinner is in detention in Australia.

We have thirty people in accommodation and we have the power and water bills and usual maintenance. Helping individuals with the basic requirements to survive while waiting for an answer to their refugee applications and then to get on with their lives is a wonderful opportunity and privilege. Thank you all for your part in this work.

Brigid Arthur

Catherine Kelly

for the Brigidine Asylum Seekers Project