

## ***STRENGTH AND KINDNESS***

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



54 Beaconsfield Pde, Albert Park 3206  
Ph: 96962107; barthur@basp.org.au  
Website: www.BASP.org.au

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

***Newsletter 110 May 2023***

The Project aims to:

- \* provide hospitality and practical support for people seeking asylum
- \* 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

Mr. Macawber of Great Expectations fame gave this financial advice: *'Annual income 20 pounds, annual expenditure 19 [pounds] 19 [shillings] and six [pence], result happiness. Annual income 20 pounds, annual expenditure 20 pounds ought and six, result misery.* Most people seeking asylum in Australia could attest to the truth of this statement. And indeed, decision makers know that there are many asylum seekers living in destitution. BASP and others are asking for a regular payment for all people right through the process – irrespective of their applications being accepted or rejected.

One doesn't stop being a human being because your application has been judged adversely. This is all the more so because we believe many of the judgments to be unfair. We urge the current Labor Government to be more adventurous in rewriting the laws and regulations surrounding refugee policy. There will probably never be a better time to make kind and welcoming policy than now.

Sanmati Verma, managing lawyer at the Human Rights Law Centre, recently said the Fast Track process for those who arrived by boat was “designed to see people fail”. There is no procedural fairness or natural justice in the policy. Verma said that the process for reviewing unfavourable decisions has been cut back. Instead of an independent reviewer talking to the person applying for refugee status, another government official just looked at the paperwork. As a result, the proportion of successful appeals has declined dramatically — from 60% to 6% in the case of asylum seekers from Sri Lanka, and from 76% to 3% for asylum seekers from Pakistan.

Verma said that the decision makers who rejected refugee applications have been relying on “discredited” information about the countries from which people have fled, such as a misleading report on Sri Lanka from the Department of Foreign Affairs and Trade.

Successive governments would be loath to admit it but we have found a new kind of torture to inflict injustice on very vulnerable human beings. One such torture has been to devise a discouraging, baffling and frightening process where work rights are refused and no alternative legitimate way of surviving is available. In a recent article published in the Western Australian, researchers from the Murdoch University and University of South Australia have found the visa process appeared to be just as, or even more, distressing than asylum seekers' experiences of trauma.

And this is in a bureaucratic world: where the people are trying to navigate a fair outcome, in a language which they are struggling to grasp, and in a system they frequently don't understand.



***Donations to the Brigidine Asylum Seekers Project are tax deductible***

## **What happens when the application for a person seeking asylum is rejected?**

Everyone living in Australia is supposed to be a citizen (most of us) or have a valid visa to be here. However, most people who seek protection are rejected at the first hearing. So what happens to all of these?

We believe that many who have compelling and legitimate reasons for being accepted as refugees are rejected. However, it is also important to recognize that a person can be rejected for all sorts of reasons. They may have compelling humanitarian reasons for seeking protection but not have reasons that fit within Australia's Migration Act.

### **The process**

Most asylum seekers who get a negative response by the Immigration Department appeal the decision. This appeal is done by a body that reconsiders the facts, law and policy aspects of the original decision and determines if a correct decision was made. This is called a merit-based review. The previous government changed this body (the AAT) from an independent membership to a body appointed by the Immigration Department itself—removing the impartiality of the process for those who came by boat.

Those who fail this merit-based review can seek a judicial review. This is at the Federal Court where the basis for review is only to ensure that no legal mistake has been made by the decision makers. Once these appeals have been exhausted, the person is required to leave Australia. This sounds straightforward but it is only an easy process if the people voluntarily return to the place from which they sought protection. To be deported requires the agreement of their country of origin and many countries will not agree to this. Australia has a legal (and moral) obligation not to return people to a place where they would be in danger.

The result of all this is that, at the end of last year, a total of 70,564 failed asylum seekers (arriving by boat or plane) remain in Australia. About half of these are waiting for an appeal at the merits review stage, many are waiting for a decision at the Federal Court, some have applied directly to the Minister for Immigration asking for a special decision to be made for them and the rest have no visa, no rights and no hope! There is no way to get figures for the last of these two groups.



A stateless child looks through a fence of a Thai school he is not permitted to attend. Picture: Joseph Quinnell/Flickr in article published by the Melbourne Law School

### **Stateless people have particular problems**

Then there are a group who are stateless. That is where a person's country of origin does not accept their nationality. For example, someone who was born in UAE but whose parents were from Chad and lived in UAE illegally are stateless. Their children cannot get any proof of identity from UAE. Chad does not recognize them. This is a problem when such a person applies for protection because they have to prove their country of origin is unwilling or unable to protect them. Stateless people who have been rejected are often indefinitely detained in Australia because no country acknowledges their nationality.

There are many reasons why a person becomes stateless. Often there is wholesale discrimination on the basis of ethnicity, race, religion or gender. Among the more than 10 million stateless people in the world are entire ethnic groups. These include the Rohingya Muslim minority in Myanmar that number almost a million.

### **Where will all this finish?**

The number of failed asylum seekers increases every year. We believe this can only be addressed by considering groups of these and overturning some of the harsh decisions that have been made. Considering each case, one by

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

**Afternoon Tea**

**2pm –3.30pm**

**Wednesday, June 21st**

**At 54 Beaconsfield Pde Albert Park**



***Refugee  
Week 2023:***

***Finding Freedom***

***An opportunity to hear from some of the  
courageous people supported by BASP***

***As we know finding freedom is a long,  
slow and painful road. It is also inspiring  
for many of us who are amazed by stories  
of resilience and perseverance***

If you plan to come to this meeting please click on the link below (or email us [queries@basp.org.au](mailto:queries@basp.org.au))

That will give us an idea of how many people to expect.

(Click on link and then click Open Hyperlink)

[Link to RSVP to BASP  
afternoon Tea](#)

**SOIREE: ALL ARE MOST WELCOME**



**St Joseph's Malvern Music Ministry  
In collaboration with Cabrini Choir**

**Followed by afternoon tea.**

**Entry by donation at the door  
All funds support the Brigidine Asylum Seekers Project**

**Sunday. 2pm—3pm  
28th May  
St Josephs Church  
47 Stanhope Street  
Malvern**

## **The need for income support for those seeking protection in Australia (no matter at what stage of the process they are)**

BASP is increasingly concerned with the asylum seekers who are now waiting for judicial review, seeing a return to their birthplace as a threatening and unacceptable option. We understand there are about 7000 waiting for the Federal Circuit Court (FCC) and, both before, during and after the hearing, they have virtually no avenues for income support.

The human suffering of people seeking asylum caused by a lack of income support is horrendous. BASP assists over 350 people a month who have no other means of providing basic needs for themselves. Daily we witness the resultant trauma, hardship and homelessness among people seeking asylum. BASP currently outlays \$110-120k per month on rent, bills and basic needs for people in Melbourne who would otherwise be destitute. This comes purely from donations and is not an ongoing solution.

The only fallback position is a government program called Status Resolution Support Services payment (SRSS). It is allotted to few people and many of the absolutely desperate cases don't get it. From our point of view the program is obtuse and the criteria for its accessibility are much too narrow and difficult to fathom.

### **Work rights.**

Many of the desperate people assisted by BASP are waiting for the FCC. Some of these have work rights. Others do not. Some who have work rights are unable to work due to physical or mental ill health. Some of those without work rights are fit and keen to work and are becoming increasingly depressed by the indignity of seeking help from charities. The waiting period extends to many years for every aspect of the process.

### **No visa**

It is impossible to work out why some people we know and support have ended up with no visa. Most seem to have the same reasons for seeking protection as others who are now permanent residents.

### **Making the future better for everyone**

An income safety net for all, work rights and rehabilitation services for some, would lead to better outcomes for them and reduce the financial strain on the Not For Profit organisations. For example, we assist many who have back or shoulder issues for which some form of physio may help and prevent it becoming a chronic impediment to work. The money needed for most of these treatments is unavailable or very limited.

### **Cases**

**M**, now a single mother with 3 children who came by boat. She had polio, which affects her mobility and strength. She and her husband had their first interview in 2019, had medicals and fingerprints done after that and have had no further advice from the department. She and her husband divorced in the last 12 months, and she amended her protection application for protection to herself and the children only. She received SRSS till December 2021. Since then, she has met expenses with help from BASP, Red Cross, and having her husband back in the house to pay the rent, despite the emotional strain this brings. She is studying English and pathology to become self-sufficient but has been unable to secure work to fit in with caring duties for children.

**N**, single mother of 4 children, separated from her husband, has changed her protection application to one for herself and the children only. BASP and others have been supporting the mother and children for most of the time since 2015. SRSS was paid in 2016/17 but ceased when her mother sent funds overseas from her daughter's account. She was unable to work initially as all the children were under 6. Around the time they started at school, she was in a car accident, with TAC paying for treatment but no other funding. She has difficulty walking, is unable to work and believes she was approved at AAT several years ago but has had no contact since.

**MAB** is an Iranian man who is blind and whose SRSS ceased late 2021, leaving him with no income support for rent, food, bills. Friends agreed to share a house with him and help him physically but needed contribution to rent. BASP has paid his share ever since. He is waiting for the FCC.

**S** came by boat from Sri Lanka, with one leg following the loss of the whole other leg in the war. He was fitted with a prosthesis in Australia. SRSS ceased several years ago. He did find some work for a period, but his stump became aggravated by the amount of standing and he had to leave. He has been unable to find suitable work for his condition and there is no income support for him while he continues to look. BASP has paid his rent for several years.

**V**, a mother with 3 young children, came by boat with her husband and is waiting for FCC. Her husband was getting some casual work, but this was reduced over the Christmas period and they sought some financial support from BASP for rent. The husband suicided in February, leaving this family distraught, no breadwinner and no income. While BASP was able to help with the rent, government emergency funds are needed for situations like this.

**F and family** support their 8-year-old daughter **Z**, who is autistic and suffers from a rare illness. She is non-verbal, not toilet trained and learnt to walk at 4. **Z** is ineligible to access the NDIS because the family are not citizens.

The family arrived as refugees on 21<sup>st</sup> July 2013 and were sent to Nauru. Some on their boat were not sent offshore. Despite being recognized as refugees by UNHCR, they live in Community Detention in Melbourne and have not transitioned to other visas because of their complex needs.

Families from Nauru have been told to apply to leave Australia and resettle in a third country. All applicants face health checks. This family will never be able to access resettlement because of **Zs** complex needs and they cannot return to their country of origin.

The family faces many challenges caring for **Z** and as she gets older and heavier, managing her difficult behaviours is a 24-hour job. **Z** attends a Special Development School but, other than that, her family receive no assistance with her care.

This family urgently needs more assistance before the next crisis.

Denying access to NDIS support is creating extreme hardship for the family, denying access to potentially beneficial therapies, including behavioural training to **Z** and much needed respite for the family. They need access to Speech Therapy, Occupational Therapy and Respite. We believe this mother is close to suffering a breakdown.

Of the number of the **men released from hotel detention** after years of trauma offshore and then in hotels, a few receive SRSS and most don't. Some of those without SRSS are as mentally and/ or physically unwell as others who receive it. BASP provides housing for many of these men, and is beginning to get some contribution for rent from those on SRSS or working, but SRSS in no way could cover their total living expenses. BASP gives those without SRSS housing rent free and emergency relief of up to \$100 pw on request. Several men in the Medevac cohort have secured work and become independent until experiencing a significant work injury. Workcover has paid for medical expenses but in one case, took months to provide financial support. For others, no support was given, despite one man requiring a walking frame. Access to immediate financial support or SRSS is needed, but unavailable, in these circumstances.





## What does resettlement actually mean? Who is affected?

2023 marks 10 years since Kevin Rudd's Labor government ruled that anyone arriving by boat to seek asylum from 19 July 2013 would never settle in Australia. By that time around 1,000 people had been sent to Nauru and PNG. A further 3183 were sent to these two off-shore places of detention. The Coalition Government maintained this policy during their term of office and there is no sign that the current Labor Government is going to change it. In fact, the current Labor Government recently put in place a \$420m contract to maintain Nauru as an offshore processing option. Early this year there were 61 people still on Nauru and probably about 70 in PNG (numbers are not kept for those in PNG any more).

Since 2013, both Governments have maintained that the only future for anyone who has been in off-shore detention, even if they were found to be refugees, is resettlement in another country. In the meantime they are called transitory persons and are given six monthly visas. As of 31 December 2022, there were 1,122 transitory persons in Australia. At least 1000 of these were transferred to Australia for medical reasons.

The country options that have been made available are the US, New Zealand and Canada. All three countries have limited numbers and some narrow criteria to satisfy. About 1000 have gone to the US—some making happy and productive lives for themselves while others are still struggling. The US deal is capped at 1,250 places, and is approaching its end. An unknown number of people have been told they are accepted for the US but they have been waiting for years for actual arrangements to be made.

An agreement was made in which New Zealand would take is that 150 transitory people per year for 3 years. Only a handful have actually gone to New Zealand.

A small number of the group seeking resettlement have gone to Canada via a private sponsorship arrangement. An organization in Canada (the Operation Not Forgotten program) was developed in 2019 and involves numerous organisations, volunteers and donors in Australia and Canada.

Transferring asylum seekers to PNG and Nauru does not release Australia from its obligations under international human rights law. So the whole notion is legally flawed—unfortunately it is not prohibited under Australian domestic law.



Many of the people who are transitory persons are so tired of having no solution for where they can settle, have given up. They simply say they will not be part of any arrangement to move to another place. Even if all the places available were filled, there would still be a sizeable number for whom there is no available resettlement place.

**BASP urges the Government to repeal the legislation that enforces third country processing of asylum seekers claims for protection in Australia.**

**We advocate that Australia offers viable, long-term settlement in Australia for all those who are found to be refugees.**

### **2 men weeping together outside Essendon cottage—**

M and J are two men who live with four other men in the cottage provided for us by the Columban priests. Both are older men with families in Iran and Bangladesh, (their countries of origin). Recently they confided to us that sometimes they can't sleep and they sit out in the garden in the dark talking and weeping about their plight. These are the people who are statistics in some bureaucratic files, feeling forgotten and very sad.





## Palm Sunday

It was wonderful to see so many BASP people at the Palm Sunday walk. Thanks to all who came and a special thanks to those who responded to our BASP SOS for marshals and money collectors. It was really heartening to see many of our schools represented. It is quite powerful to see the variety of banners and placards identifying so many groups supporting asylum seekers. We need to maintain our solidarity with groups and individuals to keep the issues alive for the general public and our politicians.



A sign of inter-faith solidarity



Eldelkachew (one of the men living in a BASP house)



Lufua used to live in a BASP house)



R and Z—two young people starting life together as countless other couples do. The difference—R does not have a visa due to very disappointing decisions over ten years. BASP has known and supported R over this time. A High Court ruling is pending which may affect their lives and many others. The practice in Australia is for the Minister for Immigration to take advice from public servants on requests for an intervention by an asylum seeker.



Section 417 of the Act gives the Minister the power to grant a visa to a person refused by the AAT if the Minister thinks it is in the “public interest” to grant them a visa. The argument before the Court is that effectively, public servants are making the decisions, not the Minister.



## Five years later: A happy transition to Canada



From Echuca to Canada. The Dilubenzi family who lived in Echuca with the Brigidine Sisters for five years are making a new life for themselves in Canada.

Nicole (the mother) sent this update to Cecilia (our Brigidine Sister in Echuca):

*I'm always happy receiving mail from you.*

*Céleste says thank you for the compliment, she has made some friends at school but I have not met them yet. Unfortunately, Celeste doesn't sing here maybe next year in secondary school.*

*Andrew spoke with Ned on Snapchat last month and is still in contact with all his friends from school. They play online games every weekend, they*

*discuss ,updates on what going on in st Joe's and at his new school while playing and see each other on the camera. Andrew is in the basketball school team so next week they will be playing a game in Quebec the capital city of Montreal. He is looking forward to that. Soccer just started now they couldn't play in winter. Now that sunny here he will be playing soccer too.*

*Bryan says no garden here for him to help (Bryan 'helped' Cecilia do the garden!). Missing our beautiful colourful garden at 1 Charlotte Street. Maybe one day if we buy our own house we will have a garden.*

*The Covid-19 vaccination coverage is reached here in Canada. So no much for Chicco to do since a month now.*

*Thank God he has gotten an other new job at the Jewish hospital as a research in oncology starting by next week by the grace of God.*

*Myself, today was my last day of training as a primary school educator. We did so many activities with my grade 3 group. I had a beautiful lady as a trainer her name is Rafika she is from Tunisia. She was very open to me and I was ready to learn more. We made a beautiful and powerful team helping our learners. The training was for a month and the half. The actual course was for 3 months. Getting my diploma on the April 27th and very soon I will be working in some school of my area.*

## To the rescue—again

A few weeks ago, a man was brought to BASP by a community worker. He had arrived from Ethiopia for a sporting event after alienating his government criticising their human rights abuses. He was seeking asylum here and sleeping on the floor of a café. BASP did not have an immediate room available so contacted a couple who have made their home available in such circumstances in the past.

Bill arrived immediately, took him home and he and Marie made the man so welcome and showed him the ropes which any newly arrived person needs to know. He remained with them for 4 or 5 weeks until BASP had a suitable room. Many thanks yet again to this couple and all our volunteers.

## Volunteers continue to play an essential and varying roles at BASP.

One retired legal volunteer has been helping a single man prepare for his hearing at the Federal Circuit Court. He discussed his case and received an in principle agreement from a pro bono barrister to represent him. The volunteer then went on holiday. 2 weeks later, he was calling from Sicily with follow up instructions to make contact with the barrister, the opposing counsel and a pro bono solicitor. A dedicated volunteer for sure and giving the person in question a much better chance of success than he would otherwise have had.

## Serendipity

We were offered a car at a highly discounted price from a member of the community and at the same time an asylum seeker came to see us, homeless and desperate. His marriage had broken up and he had been sleeping in his car which had been damaged beyond repair in an accident.

We were actually able to get him a place to stay short term until he gets his work back—and a car which we were able to give him.





## Congratulations Norman Katende



BASP met Norman and his wife Milly in May 2017 when they had recently arrived in Australia from Uganda and were seeking asylum.

We assisted them for a short while until they familiarised themselves with Melbourne and were able to make their own way. They quickly sought out study and work options.

Norman was an international photojournalist before coming to Australia. In Australia he worked with the Asylum Seekers Resource Centre and for Melbourne Metro Tunnel Project before taking up a role working with young people in out-of-home care. While doing this work he has also undertaken further study and we recently celebrated his graduation in 2 Masters programs – a Master of Business administration (MBA) and a Masters in Global Project Management.

Norman is also a member of the BASP Board, having joined in 2018 as an inaugural member.



Some members of the BASP team with Norman and Millie

Norman and Milly continue to have bridging visas and, as yet, have had no decision from the Department of Home Affairs.

Some phone calls are so good. A few days ago Ali rang from Sydney. He contacts us every couple of years. He came from Afghanistan in 2012 and began life in Australia in a way that was so common in 2011-12. He spent time on Christmas Island, and then in the Melbourne Immigration Transit Accommodation (MITA). When he was released BASP was able to give him a place to live with other men in Hopetoun St Dandenong. Ali recalled what a great house it was—a big place with 7 men housed and, as they were all in the same situation, they got on very well. We were offered a job in a mechanics garage and apparently we took him to meet the employer. He believes that is how he got the job! He remembers that we bought him boots and a bike to get to work. The things people don't forget! We would love to be able to thank the man who gave him a job and was patient with him as he learned. Unfortunately we don't have details like that.



Ali has citizenship and now also his family. His eldest son is studying Health Science at university. His other children are 16, 13 and 9 and he proudly gives the information that they all have citizenship. He is a bricklayer and he owns a house which he helped build himself. He built it as a duplex so he can rent one house to pay off his own house.

Killester College has established a breakfast each year on International Women's day in the Springvale Town Hall. This year they made \$1535.49 and donated these proceeds to BASP.



Mohammed Al-Bdairi is in immigration detention in Melbourne. His application for protection had been rejected in 2019 but this ruling was overturned by the Administrative Appeals Tribunal in December last year. In spite of this he was still detained and his partner was to have their child in March. An SOS came to BASP for someone to look after the two older children while the mother was in hospital. BASP asked a volunteer and very generously she agreed to look after the two boys while their mother was having the baby. In the end someone from a local church, living much closer offered. The father was at first told he could not attend the birth but then was allowed.



BASP often tries to encourage people seeking asylum to go to live in country/ regional Victoria. Mathi is one who has had help from BASP—and from the Warrnambool community.

*“It’s Mathi here. I graduated from Monash University this week with a BSc in astrophysics and Mathematics. I am so grateful I met you, your help has enabled me to get here and now I achieved my passion and climbed the academic mountain. Thanks you for your generosity and compassionate action. I am working as a data analyst for South West TAFE Victoria.*

*I am getting baptized this Easter Sunday. I have fallen in love with my Warrnambool Uniting Church”.*

A very kind man called in to see what BASP does and offer some help. He is involved with Time Share and he offered a time share holiday for two asylum seekers. He also then gave these men some work to do.

Thujinth & Umasuthan started some gardening/ window cleaning work at our home here on Monday. Very friendly. Gave them \$650. Coming back on Saturday for some more work.

Have arranged their holidays.

Just keeping you updated.

Cheers

Brad Fenby



Libby and Brigid met for a discussion and meal with BASP Board members (Norman, Julie, Josh, Mark, Margaret with the Brigidine Leadership team (Anne, Celie, Clare and Maree). It was good to be able to share our hopes and challenges with our ‘sponsors’.

Recently the UN High Commissioner for Refugees, Filippo Grandi, spent a short time in Australia.

In an article entitled [UN High Commissioner for Refugees gives only Australian public address at Melbourne Law School](#), there is a transcript of this talk. (just google in name of the article)

Commissioner Grandi publicly thanked the Australian Government for the opportunity to have open discussions about refugee policy. He did not of course disclose any details of those talks but said that they were different conversations than those the UNHCR had had with Australia over the past ten years.

Later that day the Commissioner opened the new offices of Refugee Legal in Exhibition Street. Andrew Giles, Minister for Immigration and Ged Kearney, also in the current Federal Government, were present and were very approachable and when talking to Brigid, acknowledged the work that BASP is doing. There wasn’t any indication this good will will flow into income support for people seeking asylum—but we take every opportunity to talk about the need.



David Manne (CEO Refugee Legal), Brigid (eyes closed!) and Filippo Grandi



**We are grateful for any of the following food (or vouchers to buy food and household necessities).**



**We currently have enough tinned food except for cans of fruit and tomatoes. Tinned soup does not seem to be taken.**

The following are still very much appreciated:

1 kg Sugar, oil (olive and vegetable) , salt, pepper, tea, coffee

Herbs and spices

Blocks or individual wrapped cheese. Eggs.

1 litre Long life milk, **honey is a most appreciated food**, noodles, tuna, 1 kg basmati rice, dates, jam (especially any red jam)



Gladwrap, tinfoil, pegs for hanging out washing,

Sweet and Savoury Biscuits, Snacks for school lunches (even when home!),

Spices: coriander, cinnamon, ginger,

Shampoo and Conditioner, Shaving Cream and shavers, Toothpaste and toothbrushes. Soap, deodorants

Garbage bags and bin liners (small and large)

**We seemingly never have enough washing powder, dish washing detergents and household cleaning**

For anyone wishing to make a donation, the Project Bank details are: Brigidine Asylum Seekers Trust  
Account: bsb: 083-004; a/c: 56-924-6603; NAB.



**Please put your name on the entry and** please email us at [contact@basp.org.au](mailto:contact@basp.org.au) after making a donation so we can send you a tax deductible receipt. We will send a newsletter but feel free to tell us that you don't want one.

Thank you for your support—and this includes all the words of encouragement we get from many. The time volunteers give to provide services to those seeking protection is amazing. And we can only provide direct help with housing and emergency relief with the money donations you give to BASP.



Please keep advocating for change with local (and other) Members of Parliament. You may quote statements from the Labour Party platform which includes:

- We will treat people seeking our protection with dignity and compassion in accordance with our international obligations, the rule of law and the principles of fairness. Labor believes as a nation we must not harm people seeking refuge. ...
- A fundamental principle in treating those seeking protection with humanity is to provide as much certainty as possible. An aspiration of certainty in all matters around asylum seekers, including the duration of assessing refugees' claims, must underpin Australian policy.
- Labor will ensure asylum seekers who arrive by irregular means will not be punished for their mode of arrival.
- Detention that is indefinite or otherwise arbitrary is not acceptable. ...

Brigid Arthur

Libby Saunders

(BASP Coordinators)