

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

Newsletter 113 December 2023

STRENGTH AND KINDNESS Brigidine Asylum Seekers Project (BASP)

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The Project aims to:

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- 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

We welcome the High Court's decision on November 8th that has found indefinite immigration detention to be unlawful and unconstitutional in cases where there is no prospect of people being returned to their country of origin. This overturned a decision of the High Court in 2004, which ruled that the indefinite detention of a stateless person was lawful.



The plaintiff in the High Court case was a Rohingya man using the pseudonym NZYQ who had been detained indefinitely due to a lack of deportation options. As a Rohingya, he cannot return to Myanmar where the mostly Muslim minority was stripped of their citizenship in the 1980s and targeted in a brutal military crackdown in 2017.

Controversially, however, NZYQ had previously been convicted of child sex offences, had been jailed and had his visa revoked. Under normal circumstances, a non-Australian would be deported after serving a sentence for such serious crimes. But because NZYQ was without citizenship when he was released on parole in 2018, the Australian government was unable to do so. As such, NZYQ remained in detention with no realistic prospect of removal and it was this indefinite detention the court ruled illegal under the Australian Constitution.

Even though the decision was about NZYQ its implications extend to many more people. 142 people have been released as at 1st December. We understand that many more may still be released in the future.

The 2004 court decision (known as the Al-Kateb case because the man concerned was Ahmed Al-Kateb, a stateless Palestinian man) has meant that thousands of people have, over the years since, been indefinitely detained in Australian detention centres. The ruling has been challenged many times both in the courts and in the public arena but until now the 2004 ruling has been upheld. This has been in spite of the fact that many such as Human Rights Watch, Amnesty International and other human rights organisations have long argued the policy contravenes international law including the UN Refugee Convention and the Convention Against Torture.

The new ruling means that a person (refugee or asylum seeker) who has committed a crime in the past and served their prison sentence, cannot be further punished through indefinite and administrative detention. Many lawyers see this ruling as upholding an integral element of the rule of law in a democratic society. Basically it assumes that

- all the laws made in Australia apply to everyone in Australia
- that people can only be punished by a court and not by members of parliament or public servants (in this case employees of the Immigration Department).

That these decisions turn on some hard cases, of people convicted of terrorism, child sexual offence and sexual assault charges, will pander to the rich veins of prejudice in the community. From a human rights point of view, it is important to recognize the rights of all people to rehabilitation. For those who have been charged and have maintained their innocence the ruling overturns lifetime incarceration which was a terrible travesty of justice.

More about High Court case

Putting the High Courts decision in perspective

Australia is seen globally as the only liberal democracy with a regime of automatic and mandatory detention for all non -citizens without a valid visa, including those who seek asylum immediately upon arrival. Other countries such as Canada have arguments in Parliament about whether 30 days is too long to hold a person while they lodge an application for protection. Australia makes no exceptions— no matter what age, infirmity, special needs—people arriving in Australia without a valid visa and seeking protection are in closed (or occasionally) home detention. So the High Court decision is putting Australia in line with other countries that respect human rights of all those residing in their country.

Fall out from measures legislated immediately after the High Court decision:

The Federal Government argued against the release of detainees. Both the Coalition and Labor Parties railed against the High Court decision showing no respect for the authority of the High Court. The debate in Parliament was shrill and vituperative and left the impression that all those in long term detention were murderers, serious sex offenders or had similarly criminal backgrounds. One had stolen an iPhone when he was a minor.



One week after the decision was announced, draft laws were introduced that would add strict conditions on those released due to the ruling. This includes the use of ankle monitors to track the movements of the released detainees. And strict curfews. Any breach of visa conditions will be a criminal offence and subject to jail. It passed Parliament the same day it was introduced. Already there are calls for appeals to be made on the basis of proportionate punishment for even a small contravention of the conditions.

The extraordinarily shrill vituperative debate made many of us wince. What our media captured in graphic detail appeared to foment fearmongering and be used for political opportunism. If laws can be made with such speed and lack of reasoned debate we can surely be nervous about any future perceived 'crisis'.

Preventative detention

The reasons given for the High Court decision explicitly state that the preventative detention is not impossible. We understand this currently only exists for high-risk terrorist offenders. These provisions would allow for the ongoing detention of people who are considered to pose an unacceptable risk of reoffending. This would need to be for reasons exclusively connected to the risk that is posed, not to their immigration status. This would allow the re-detaining of those freed by the High Court decision. It's not yet clear if all or only some of the detainees could be targeted under that loophole.

So was the High Court ruling a good thing?

We believe so. It has affirmed that in Australia, it is the legal system, not the government, that is responsible for punishing people who commit crimes.

Are there continuing concerns?

Absolutely. The effectiveness of the High Court's clarification has been muted by the subsequent laws including curfews and ankle monitoring which seem, without doubt, to be punishing.

We deplore the simplistic and unfair rhetoric by those Members of Parliament who are supposed to be leading the nation. Those affected by the decision have varied and complex histories. Some were of interest to police but not charged; others have committed a crime many years ago. These issues of individual freedom are so important that sa a nation we want to get it right. Yet, both sides of politics keep telling us, they would prefer as many of the 142 non-citizens to be locked up as possible. This sounds more like a draconian state than a democracy we can feel at home in.

Some hope

Independent MP Kylea Tink has introduced a private member's bill that seeks to refocus the national debate. Her Bill proposes a time limit of 90 days in detention, no children be detained and that detention can only be enforced when it is reasonable, proportionate and necessary. We hope such reasonable measures are at least seriously debated.

Afternoon Tea 2pm – 3.30pm Sunday, December 17th At 54 Beaconsfield Pde Albert Park (Brigidine Ministry Centre)

Volunteers, supporters and all those who are supported by BASP are welcome to come and have afternoon tea to celebrate Christmas at the Brigidine Ministry Centre.

We will have a chance to wish each other peace and happiness both at this time of Christmas and for the year ahead.

Housing

BASP's approach to housing has been to provide accommodation while people get on their feet. Then, for those able to work, they move into rentals of their own, once they can, enabling more vulnerable people to move into BASP housing. The current crisis in housing availability is blocking the ability for some of those who have sufficient work to move on. This is mainly the single men, who would like their own rental places so they can start a rental history, but the options are sparce and they are not priority contenders against so many vying for the same place. Those in this position do pay rent to BASP but it limits our capacity to take in those with no income support and no options.

There is, of course, some movement. Slowly, some of the men from offshore go to a 3rd country - NZ, Canada and USA. Also, as people get benefits or work and can find a new place, they move on. Recently, one family moved out of a house we had provided for several years. The unit needed a big clean- inside and out and it was wonderful to watch a little BASP army spring into action. Hana, the Housing Support Officer and Marg Fyfe, who does outreach work, oversaw the operation, paying some of the asylum seekers to help, thereby earning some money- and gaining some experience. The removalist, who knows us well by now and has an asylum seeker as his side kick, brought the donated furniture, but also helped with getting gas and windows working. Another asylum seeker painted the woodwork. A great team effort! It was finally ready for two men to move in. Within a week, they had planted a vegie garden and now they just need work.

A message from the BASP Social Media Team.

BASP now has an Instagram Account, as well as a Facebook page. Please follow us on **Facebook** = Brigidine Asylum Seekers Project **Instagram** = @BASPsocials

These sites will allow you to stay informed about the critical work of the Brigidine Asylum Seekers Project (BASP) and gain insights into the challenges faced by asylum seekers in our country. *Your follow* amplifies their voices, and sharing our posts extends the reach of our advocacy. Together, let's raise awareness, foster empathy, and build a community dedicated to social justice. Join the conversation, connect with like-minded individuals, and be a part of the change. If you have anything you think we should feature or highlight - please get in contact with us via Social media or email us <u>BASPsocials@gmail.com</u>

A YouTube Chanel has also been created to compile some of the videos that have been made about BASP in one place - <u>https://www.youtube.com/@BASP-zi4mo</u>

This recent short video describes the untold stories of asylum seekers in Australia and the compassionate work of the Brigidine Asylum Seekers Project (BASP). This video sheds light on the challenging journeys asylum seekers face and counters misconceptions with facts. <u>https://www.youtube.com/watch?v=N5Q_IHbkvns</u> The comments section has ideas for educators to use in a classroom or educational setting.



Some refugees who spoke at the launch, Greens MP Tim McKimm, Independent MP Zoe Daniels with Julie Macken

Royal Commission into Detention Launch

On Tuesday 28th November, a campaign calling for a Royal Commission into immigration detention was launched in Canberra. We will need a seismic change to get a Royal Commission because we understand that the Parliament has to initiate it and, having witnessed our last couple of weeks of the Federal Parliament at work, there is little chance the current Parliament would

do that. However we have had several Royal Commissions in the past couple of decades. It is amazing what public opinion can determine. A word to everyone's Federal MP would not go astray.

The dream for this campaign launch is that the following questions will be answered:

- What is the financial cost of mandatory detention for anyone seeking asylum in Australia?
- What was the experience of people seeking asylum within Australia's detention regime and the experience of those who worked within these centres?

 How has this policy changed Australia's jurisprudence in relation to immigration detention and national security? Campaign for a ROYAL COMMISSION into INMIGRATION DETENTION Australians have a right oknow. ...it is a type of profound and annihilating torture. Member Organisations: Justice and Peace Office, Catholic Archdiocese of Sydner Josephite Action Network House of Welcome

Josephite Action Network House of Welcome Brigidine Asylum Seekers Project Rural Australians for Refugees Asylum Seeker Resource Centre Challenging Racism Project Refugee Action Coalition Our Lady of Dolours Blue Mountains Refugee Support Group Academics for Refugees Grandmothers for Refugees Teachers for Refugees End Childhood Detention

Campaign Dr Julie Macken - julie.macken@sydneycatholic.org Lead Contact 0400 925 217

Campaign for a ROYAL COMMISSION into IMMIGRATION DETENTION

Australians have a right to know.

A suggested time to cover for the Commission is 2013 –23.

The **money involved in** maintaining the detention regime has been immense. In 2021—2022 it cost \$421,673 per year to hold one person in detention in Australia.

There have been numerous allegations of corruption. A controversial contractor Paladin was paid hundreds of millions of dollars to run the Manus Island detention centre. In November 2023 the Sydney Morning Herald reported Paladin linked to motor cycle gangs.

Most importantly, a lack of real concern for the well being of those held in detention, and those working in detention, has created untold suffering. Generations of people will feel the impact of what has been done.

On the following page we outline a very short summary of immigration detention as we at BASP have known it. We could write much more. We acknowledge that only those who have experienced it really know the consequences suffered. Of all the aspects of our refugee policies over the past three decades we believe indefinite and mandatory detention is the worst.

In our experience every person who has been in detention for more than three months remains adversely affected by the experience.

Immigration Detention—history according to BASP

Can any reform compensate for the loss of personal freedom?

At BASP, we have had long experience of visiting people in detention. Categorically we would say that the worst thing for those detained has been not having any idea of when, or if, they would be released. Over years since 2004, the actual time many people have spent locked up has increased exponentially. Over the years, we worked with others to try to help detainees but we have long since come to the conclusion that making detention more humane is a contradiction in tears. Mandatory and long term detention is basically inhumane and punitive in its essence—it cannot be changed to make it better.

Changes have been a long deterioration of anything humane

Certainly the experience of visiting detention centres changed remarkably over the years. In 2001, as a visitor you turned up and so long as you had the name of a person you were allowed in unless there were too many people already visiting – most of the time there was a cut-off number of 60. We visitors would often sit outside counting the people coming out to see how many of those waiting could go in. Once inside we could then mill around and see whoever wanted to talk to us. Many many people wanted to see us and the questions invariably were: Can you help me get out of here? Can you help my family? We could take food and share it with any of those inside. And they enjoyed the home cooked biscuits and cakes. For several years we were allowed to provide a Christmas party meal and give out presents.

As the years went by as visitors we had to apply via an 'immi' account on-line to be a visitor; each visit had to apply five working days ahead and then have the visit approved. We had to give documents adding up to 100 points for each visit. Gradually things changed to being assigned a particular table to sit at - to then only speaking to the person detained through a grill. We couldn't take the home cooked food, then only food that was sealed and bought at a shop and then no food at all.

Review of cases

In theory, those detained in immigration detention should have had their case reviewed every six months. We have long maintained that this was a joke because it was done by officers who often didn't know the person, and didn't talk to them except maybe have a short telephone conversation. Invariably, no action would happen for the next six months.

Change in composition of those detained

Originally those detained in the Melbourne Immigration Detention Centres (MIDC and then MITA) had virtually been all people who were waiting for some resolution of their visa status. After 2013-14 more people were detained (or redetained) because they had failed the "character test". These were known as the "501s", and were mainly men held indefinitely under section 501 of the Migration Act1958. Some of these had served a prison sentence and then instead of being released into the community (as all Australians would be), they were sent to a detention centre which was often a long distance from family and friends. Some of these had committed serious crimes, others quite minor wrongdoing. They all became known in the Centres as '501s'.

In 2013-14 there were 76 such cases, in 2015-16 there were 1278. Overall, by January 2023, there had been 7832 such cases. Many claimed they were treated very badly, with the guards reportedly punishing them and creating a culture of fear and intimidation.

Immigration detention worse than jail

Because there is now quite a large cohort of people who have been in jail, many invidious comparisons between jail and detention are made. Ordinary citizens who get put in jail have chances to rehabilitate while in prison and then are helped by the Parole Board to engage in rehabilitation programs. People in prison have a time limit of a sentence and may be released earlier if their behaviour warrants it. Asylum seekers in detention have no such rights or certainties.

Offshore detention

The impacts on asylum seekers sent offshore for asylum processing are well documented. In Nauru, many asylum seekers reported extreme mental health challenges, tormented by the inability to move beyond the island. There were suicide attempts and other episodes of extreme self-harm documented at the facility.

Shout out to all Employers... Give an Asylum Seeker a 'First' chance!

We are looking for any and all opportunities for asylum seekers with work rights to find employment.

As you all know - that first job is the hardest to find. This is even more so for our Asylum Seekers.

But the rewards from having a first job are so much greater when you are trying to become self-sufficient in Australia.

A first job will give an Asylum Seeker: A first job reference Invaluable 'work experience' An experience of Australian work culture An opportunity to use English as their first language in the workplace Confidence Improved self-esteem A sense of being welcomed by inclusion in the workforce Income!

Please consider if you could find a role in your workplace for a cleaner, picker/packer, gardener, grounds maintenance, gardener, van driver, dishwasher - any suggestions welcome. The role can be casual, short-term, part-time or full-time and we will support you and your employee to get settled in and compliant with all the hiring paperwork. If you or someone you know may be able to help us, please contact Libby or Brigid.

This call comes from Caroline, a volunteer who joins us in the office each week to help look for employment for those able to work. Marian, another volunteer who works from home, has been helping in this regard for some years, and BASP also contacts funded employment organisations to help in these searches. All are reporting difficulty in getting suitable employment for the asylum seekers we refer - some due to no employment history, no car, wrong location, no experience and the increasing expectations of employers for basic roles. For those able and keen to work, this is so discouraging.

Recently 2 men who were teachers in their homeland came in disheartened by the lack of work. They had applied for cleaning jobs but were getting occasional jobs only, in far flung locations which they had to get to on public transport. They asked about any prospect of teaching jobs. We were dubious but put in a call to Sally Buick, principal at Killester College in Springvale, part of Kildare Ministries. She and her team have been wonderful in the help they have offered.

They ascertained that both men qualify to apply for provisional registration with VIT which would enable them to teach in a Victorian Secondary school. The staff created VIT accounts for them both and helped navigate the bureaucracy. They booked (and paid for) the EILTS tests to be done.

If the men can get provisional registration they can apply to teach in Victorian Secondary Schools and have two years to work towards their full registration, which would hopefully help with visa applications.

We need a lot of creative thinking and perseverance to get jobs but the outcome for asylum seekers is almost beyond imagining: it actually can save a person, a family from destitution. And it gives skills, better health, socialisation and friends and fulfilment.



Holidays



While most of us take holidays for granted, many of the people BASP support have never had a holiday since they moved to Australia. We get very touched when we get reminded by an excited child or family that they have just had some time away having fun.

Recently a family went on for a few days to Paynesville taking up an offer from a BASP supporter to offer a few days away at her place. The family had never had a holiday and were thrilled at the offer - and of the wonderful welcome and experience they had. The host wrote: "From my perspective the holiday went well. I enjoyed their company and I had many amazing conversations with Farrida on cultural issues. We explored all sorts of issues from prayers, alcohol, women's issues, and cultural food issues. They were extremely clean and tidy and Mohammad is an amazing cook. We went on a few trips: to Raymond Island (to see the koalas) The Silt Jetties and Wattle Point but the weather was not all that kind. We tried fishing with the little boys a couple of times but didn't catch anything.

I would be very happy to have them again ..." A generous offer greatly appreciated.



Heartfelt thanks go to the Mariana Community for again hosting a family for a weekend at their Millgrove property. A family who had arrived 20 months ago from Ukraine were the beneficiaries this time and reported having a wonderful time.

Permanent Visas

Saltbush Balnarring cottages are part of Kildare Ministries and they make a few cottages available to people seeking asylum throughout the year.

A volunteer asked if we knew of a place for a family of 4, to have a break, able to accommodate the needs of a child with a severe disability. Saltbush did not hesitate and the family had a wonderful few day there.

The mother phoned the volunteer, Brigid and Libby separately to thank us all for making this happen. They had not been away for 7 years- the last time being a weekend at Millgrove with the Mariana community.



They are booked again in February. Many thanks to Saltbush for giving such a memorable - and much needed- break.

The houses at Saltbush are beautiful and those offering this holiday experience are wonderful.

There are more permanent visas being granted for asylum seekers we know. We always rejoice at the news even though it is often bitter sweet. One such a case was very recent. Mufis is a quiet, very undemanding and unselfish man who was in detention for years. He is a stateless Rohingya man who lodged his application for refugee status fourteen years ago. The only answer Mufis had to his application seemed to be that his background was being checked.

Six years ago he lost contact with his wife and son who were in Bangledesh.

Our argument would be that Australia should have to prove (within a reasonable time frame) swhy omeone with Mufis's history did not deserve protection—otherwise grant it. As a nation we have taken a large slice of Mufis's life and cost him his family.

Food vouchers are very welcome because many of our asylum seekers are actually very short of food and other basic necessities. A number of groups often bring some in-among these are Holy Spirit Thorbury, St Marys Thornbury, St Anthonys Alphington, St Josephs Northcote, St Georges, Malvern. And others.

It is amazing how quickly food and household goods from the pantry turn over. Some days we seem to have a really good supply and a short time later the shelves are nearly empty.

We have a lot of groups and individuals who bring items in. Over the Christmas break we will be short so any extras at this time are welcome.



We kept this photo over the years—since 2013 we think. Such a beautiful baby. Her mother, Ayan, has just received a Permanent visa. Ayan has four other children in

Somalia. She had to leave them when she fled from her home in 2013. On the way she discovered she was pregnant and Raman, pictured here, is the baby Ayan had in Australia.

Ayan's sister has looked after the four children in Somalia—as well as being a single mother and looking after her own five children.

Ayan has worked so hard here to provide for herself and her daughter., as well as sending money to her

sister. She has had several jobs at the one time and has studied to become an aged care worker

can apply for a visa for her

is not a choice We can only hope now that Ayan children (and hopefully for her

peing a refugee

sister and her family) that she will succeed in family reunion. Unfortunately, at present, there is a long waiting time for this application to be processed.

St Martins Hawksburn and Christ church in South Yarra have had a new initiative in their generous donations of food to BASP. Fr John ran an 'egg Sunday' and they filled our frig with eggs to be given out. We can't



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manage too much in the way of fresh food but eggs are an exception. We could do with some empty egg cartons.

Star of the Sea College 20m · 🐑

Year 7's have been working on their social Justice outreach project, partnering with @brigidineasylumseekerproject (BASP). On Friday we delivered a car full of food. These 'Stars for Others' have filled the BASP pantry for Asylum Seekers in need. Thanks to Ms Hardeman and the Yr 7 team for facilitating this! An extra big thank you from BASP and Sister Brigid. Facta Non Verba **#BASP #brigidineasylumseekersproject**



From one of our supporters:

You may be interested to know that Suresh, a Tamil asylum seeker who does gardening for a friend of ours, also comes to my place for 2 hrs once a month to do gardening jobs. He is very reliable, hardworking and shows initiative. He has a generous spirit. And he takes any electronic device or hardware/household items etc I want to dispose of he finds a way of keeping them out of landfill and giving them another life! And helps reduce the clutter in my garage!

Many people got to know Nasser Moradi while he was in the detention Centre. We also got to admire his art. Nasser has been given a RoS visa. He lives with three other Afghan men and they all got this visa over a few weeks ago. That means they will get Permanent Visas soon.

Nasser is training to be a mechanic. He does not have much opportunity for art these days but he still hopes in the future to do some more painting.



Above: Ezrah and Prue in 2015

and Ezrah and her family at the airport in \$2023\$



Chisholm House Year 6 students at Marymede College in Epping have adopted BASP as their work to support.

[From Newsletter 75, July 2015]

Ezrah from Pakistan, has just finished a Child care course. Ezrah lives in Coburg in a house available at low rent for BASP. She is pictured here with Prue who recently did a placement with BASP. Prue and Ezrah met when Ezrah was in MITA. They had a weekend in Echuca a couple of weeks ago with Prue's family—Christine and Andrew.

Now

We (and Prue's family) have kept contact with Ezrah. She married and has two children, a four and a half year old year old daughter and a son who is 15 months. Initially she and her husband lived in Melbourne but they have since moved to Sydney. Ezrah has been very ill.

Ezrah never gave up trying to get her family to Australia. They had fled from Afghanistan to Pakistan and then to India. Eventually, a couple of months ago, her family arrived in Australia on a Humanitarian Visa. Her parents, 2 sisters and 2 brothers all in their twenties are now desperately trying to rent a house in Sydney.

It seems as difficult to find and pay for rental accommodation in Sydney as it is in Melbourne. The irony now is that Ezrah doesn't have a permanent visa—and her parents and siblings do.

Below is a photo of Mia and Parisa and the car donated by Mia's parents in law to Parisa. Mia did all the work involved in the transfer in spite of the fact that she was in the process of moving to England with her partner.

The car is an extraordinary bonus for Parisa whose husband was badly burned in an accident some years ago and still has to get to the burns unit of a public hospital for treatment. This trip to the hospital has to happen every week.



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. 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 are really appreciated (and some egg cartons to put eggs that come in larger quantities.).

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,

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

Spices: coriander, cinnamon, ginger,

Shampoo, 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 lucts.

cleaning products.

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 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.

We feel we are in a watershed time. Will the High Court decision be a turning point for us as a nation? Will our history remember this time as a curb on the cruelty heaped on people who were seeking our protection? Or is it

going to be more of the same—government passing laws to keep treating asylum seekers with inhumanity and cruelty?

Watching Parliament last week makes us ask if, as a nation, we are capable of dealing with the continuing crisis of the movement of people from war, famine, climate change and ethnic violence.

Last newsletter we asked that, where you could, you continue to help us with basic resources to keep supporting the asylum seekers who desperately need shelter and food and basic necessities. Since then many have responded with assistance and for that we thank you. We can't continue to help as many as we have been without your donations. We value your support immensely.

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Brigid Arthur

(BASP Coordinators)

Libby Saunders