



Preface

2020 marks the seventh year (#7YearsTooLong) in which refugees and asylum seekers have been languishing in detention under Australia's shameful and racist refugee policies and militarised responses to people seeking safety in Australia. Most recent available information to date says:

- The total number of people sent offshore since 13 August 2012 was 4,183.
- 942 people have been returned to their country of origin (where they face danger).
- 730 people have been settled in a third country.
- 702 have left for the United States.
- 192 refugees and asylum seekers have been transferred under the Medevac legislation.
- 1,373 people remain languishing in detention centres.
- Children still remain in Australia's barbaric detention system: there remain 2 children locked up in 'Alternative Places of Detention' (APODs) and 284 are in 'community detention'.

Introduction

According to the [UNHCR's Global Trends 2019 report](#), (published in 2020, with data from 2019), there are now more than 26 million refugees and 79.5 million displaced people globally. This number has risen from previous years, as people are forcibly displaced due to war, conflict, persecution and human rights violations. Today, there are more refugees than there have been since World War II. As Syrians and others displaced by war and disaster crossed borders to seek safety, people in Europe and in Australia came together in thousands of ways to offer direct support to refugees and to demand governments provide a humane welcome. But by 2020, we have also seen the Abbott, Turnbull and Morrison Liberal Governments drive brutal refugee policies to new extremes, and export these politics and policies to Europe with success.

In Australia, tragically both the Coalition and the Labor Party are committed to offshore detention, and turning back asylum seekers who come by boat, and pressuring and bribing Australia's poorer neighbours to resettle refugees in the region. The Refugee Action Collective is part of a growing refugee movement that knows there is no justification for this cruelty, that wants to see a break in the bipartisan support for it.

The refugee movement has brought about cracks in the bipartisan consensus. After reopening offshore processing in 2013 Labor now supports taking up the NZ offer to resettle 150 refugees per year from offshore detention. Labor also backed the Medevac legislation, voted against the lifetime visa ban, and supports permanent visas for refugees. The Coalition can also be forced back despite making 'Stop the Boats' front and centre of Australian politics. Even they were forced by the movement to bring children and their families from Nauru to Australia. We forced the closure of offshore detention camps, the repeal of Temporary Protection Visas (TPVs) and in 2007 Labor could

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not campaign on an anti-refugee basis. We are building the same kind of campaign again, but this time we cannot stop until the entire architecture of mandatory detention and refugee deterrence is broken.

This booklet is for anyone who wants the facts about what is really happening to refugees at the hand of the Australian government. Please read, share, discuss with friends and get involved in the campaign for refugee rights.

Refugees in Australia

The Refugee Convention defines a refugee as: any person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her nationality and is unable, or owing to such fear, is unwilling to avail himself/herself of the protection of that country. Contrary to the misinformation that is often spread, it is not illegal to seek asylum and under international law. Under the Refugee Convention, countries cannot penalise refugees who do not have valid travel documents. In fact, entering without permission is the way most refugees find safety.

Most recent data shows that globally, the largest numbers of refugees are from Syria (6.65 million), Afghanistan (2.68 million), South Sudan (2.29 million), Myanmar (1.15 million) and Somalia (950,000). In 2018, the largest increases in refugee populations were from Syria (343,850), Democratic Republic of Congo (99,500), Afghanistan (57,230), Central African Republic (45,350) and Nigeria (37,850).

Australia recognised 10,300 refugees in 2018, most of them given Temporary Protection Visas (TPVs). In global terms, Australia was ranked 29th for recognition of refugees in 2018 – 30th per capita and 60th relative to GDP. By this measure, Australia recognised or resettled 23,002 refugees in 2018 (1.39% of the global total), being ranked 14th overall, 20th per capita and 60th relative to national GDP. See: <https://www.refugeecouncil.org.au/2018-global-trends/>

However, the purpose of Australia's asylum policy is not to resettle refugees, but to deter people from seeking safety. For a full timeline of refugee policy in Australia, see the Refugee Council of Australia and the Human Rights Law Centre website.

Sources:

- <https://www.refugeecouncil.org.au/timeline/>,
- <https://www.hrlc.org.au/timeline-offshore-detention>.

Onshore Detention

Based on Immigration and Community Statistics released by the Department of Home Affairs and Border Force on the 31 March 2020, there were 1,373 people detained in detention facilities across Australia. This included 58 women and 1,313 men. There are different kinds of places where people are detained, known as Immigration Detention Centres (IDCs), Immigration Transit Accommodation (ITAs), and Alternative Places of Detention (APODs). The largest populations are in Villawood (in Sydney) and Yongah Hill (in WA).

In summary, the 1,373 people that are languishing in these detention centres, whom the government has classified as "Illegal Maritime Arrivals" are in often fact asylum seekers and refugees who have committed no crimes. Some people with 501 visas who have allegedly broken their visa conditions may be detained in detention centres. These numbers include children: as of 31 March 2020, there

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were 2 children locked up in 'Alternative Places of Detention' (APODs), 284 in community detention and 1,987 on bridging visas.

What the government's statistics do not reveal is the illegal and criminal mistreatment of these people whilst they have been detained on onshore detention in Australia, which is not dissimilar to what is happening in Manus and Nauru.

The harassment, bullying and physical mistreatment from the guards without impunity, the medical neglect both physically and mentally, the lack of access to proper legal representation and lack of access to education particularly for the children, the isolation, torment and separation of family and the indefinite time detained are all examples of mistreatment and criminality. The asylum seekers and refugees that have been detained are innocents and have asked Australia for protection under the 1951 UN Convention for Refugees.

Max Costello, a prominent refugee advocate, member of the Refugee Action Collective, former prosecuting solicitor with Work Safe and former lecturer in Employment Law at Melbourne's RMIT University, has extensively investigated the operations of onshore detention centres, particularly MITA in Broadmeadows, Melbourne. Mr Costello has submitted a letter dated 30 May 2019 to Sue Weston (CEO of ComCare, Canberra) to investigate:

"Alleged breaches of sections 19(2) & (3)(f), 27, 28, and 38(1) of the Work Health and Safety Act 2011 (Cth) (WHS Act) in relation to the detainees of immigration 'detention facilities', esp. the Melbourne Immigration Transit Accommodation (MITA) facility"

The following articles by Max Costello can be found online:

- 31 December 2018 - [#3 TOP IA STORY OF 2018: Dutton's 'rule of law' comments could come to haunt him](#)
- 1 September 2018 – [Are boat turnbacks unlawful under Australian workplace law?](#)
- 29 August 2016 – [Nauru Files? It's in the Work Health and Safety Act, Mr Turnbull](#)
- 16 June 2016 – [The Turnbull Government appears criminally liable for Manus and Nauru](#)
- 28 August 2015 – [Achieving policy ends via unlawful means: Will that be Abbott's defining legacy?](#)

Sources:

<https://www.homeaffairs.gov.au/research-and-statistics/visa-statistics/live/immigration-detention>
<https://www.refugeecouncil.org.au/detention-australia-statistics/>

Offshore Detention

Since 13 August 2012, Australia (under the leadership of the Labor Party) resumed sending people to Nauru and Manus Island in Papua New Guinea under a policy of "offshore processing". Since 19 July 2013, the Australian Government's policy is that none of these people will ever be resettled in Australia, even if they are recognised as refugees. The Labor Party reopened Manus and Nauru detention centres in 2012 as part of a plan to prevent any asylum seeker arriving by boat from gaining resettlement in Australia. Liz Thompson, a former migration agent involved in refugee-assessment interviews on Manus, described the process on SBS's Dateline as a "farce", saying, "Manus Island is an experiment in the ultimate logic of deterrence, designed to frustrate the hell out of people and terrify them so that they go home."

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The purpose of dumping people in such remote locations is to deny them proper legal support, medical services and contact with the Australian public. Nauru is 3000 kilometres from the Australian mainland, while Manus Island lies 300 kilometres north of the main island of Papua New Guinea.

From available data released in March 2020, the total number of people sent offshore since 13 August 2012 was 4,183. 942 people have been returned to their country of origin, 730 people have been settled in a third country, 702 have left for the United States. 192 refugees and asylum seekers have been transferred under the Medevac legislation.

Nauru

As of 31 March 2020, there were 227 people still in PNG and 209 on Nauru. Refugees living on Nauru are all now living in the Nauruan community, with no one living in the detention centres ('Regional Processing Centres') by the end of March 2019.

As of January 2019, after national coordination, the refugee movement has seen the success of the Kids Off Nauru campaign. The Coalition government quietly brought the children from Nauru to Australia. However, this is after five years of suffering on an island the size of Melbourne Airport. Mental illness was rife, with numerous reports of depression, anxiety, self-harm and suicide attempts. In addition, children began to suffer from resignation syndrome – this is where they refused to eat, drink, speak and use the bathroom. The children that were on Nauru were robbed of a regular childhood and deserve permanent protection in Australia with their families.

In 2015, asylum seekers on the Nauru detention centre were driven to desperation and became suicidal, this included children. As some asylum seekers on Nauru were planning to kill themselves, the Government decided to sack some Save the Children case workers (social workers)s. They were ordered to leave Nauru when former immigration minister Scott Morrison falsely claimed they encouraged refugees to self-harm.

The success of the 'Kids Off Nauru Campaign' has shown that the refugee movement is capable of making real change. We must now extend this to all adults detained offshore and onshore.

Source:

- <https://www1.racgp.org.au/newsgp/clinical/children-in-detention-on-nauru-are-suicidal-human>
- <https://www.refugeecouncil.org.au/operation-sovereign-borders-offshore-detention-statistics/>
- <https://www.smh.com.au/politics/federal/save-the-children-staff-accused-and-deported-from-nauru-demand-an-explanation-20151003-gk0g64.html>
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Manus Island

There were 872 people detained on Manus Island, as of October 2016, with 82% found to be genuine refugees. Amnesty International described the situation on Manus Island as "tantamount to torture", after visiting the centre in November 2013.

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In February 2014, Reza Barati was murdered in the Manus Island detention centre during an attack on asylum seekers by PNG guards. During the attack another man was shot in the hip and others lost eyes. Threats from locals against the asylum seekers continue.

Medical and other services are grossly inadequate. In August 2014 a second asylum seeker, Hamid Kehazaei, died after a simple skin infection developed into septicemia. Former Manus Island doctor John Vallentine told the ABC's Four Corners that the centre was "just a disaster, medically", saying it was just "too remote" to provide proper services there.

Infections and skin diseases are rife among the asylum seekers on Manus Island. In addition to the extreme humidity, broken toilets meant asylum seekers are forced to walk through raw sewerage, often barefoot. About one in six people living on Manus Island contract malaria each year.

Asylum seekers suffer "snakes inside their accommodation, malaria, lack of malaria tablets, no mosquito nets, [and] inedible food that often has cockroaches in it", according to the Sydney Morning Herald.

The Manus Island centre was forcibly closed in October 2017, when there were still 690 men there. However, on 19 August 2019, the PNG government offered to relocate them all to Port Moresby. As of 2 March 2020, there were now only 4 men left on Manus Island.

Source: <https://www.refugeecouncil.org.au/operation-sovereign-borders-offshore-detention-statistics/2/>

Violence against refugee women

In 2016, then Prime Minister Malcolm Turnbull declared the epidemic levels of violence against women in Australia a 'national disgrace', one of Australia's 'great shames' and called on the country to make the 'cultural shift' needed to end the violence.

But for refugees in offshore detention, violence against women is part of the deterrence regime. During Turnbull's week of anti-violence declarations, International Health and Medical Services (IHMS) staff on Nauru made their first urgent appeal to see Somalian refugee Abyan transferred to the Australian mainland, following a violent sexual assault resulting in pregnancy. Three urgent requests were ignored by the Home Affairs Minister and Prime Minister and, it was only after a vocal public campaign, that Abyan was brought to Australia.

Similarly, in May 2015, 23-year old asylum seeker Nazanin was raped whilst making her way back to the 'open' Nauruan camp after visiting friends. It was only after months had passed and two attempts on her life that Nazanin was finally medically evacuated to Australia.

The Moss Review

The 'Moss Review' was an independent report announced by the then Minister for Immigration and Border Protection, Scott Morrison, in 2014. This confirmed numerous reports of sexual abuse inside the detention centre on Nauru. The report detailed the sexual exploitation of female asylum seekers by detention centre guards, including forcing women to strip and exchange sexual favours with the guards for access to showers. Refugee advocate, Pamela Curr, has reported that the systemic humiliation of women includes centre staff forcing women to queue for one sanitary pad, one contraceptive pill at a time and the inadequate provision of underwear.

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The Department of Immigration and Border Protection (now called the Department of Home Affairs) also sacked ten 'Save the Children' workers who reported the aforementioned abuse, claiming that they had coached people to self-harm. The Moss Review found that there was no evidence to support this. More recently in October 2018, Doctors Without Borders were forced to terminate their provisions of mental health care services on Nauru. It has been well documented throughout the years that the Coalition does not care about the mental or physical health of anyone offshore, with their rhetoric about violence against women ringing especially hollow.



Boat turnbacks cost lives: Operation Sovereign Borders

In September 2013, the newly elected Coalition Government under Tony Abbott introduced 'Operation Sovereign Borders' (OSB), a military-led border-security initiative which incorporates offshore detention of asylum seekers and interception of boats, in its campaign to "stop the boats". This reinstated boat turn backs into Australian refugee and asylum seeker policy. Under the leadership of Prime Minister John Howard in the aftermath of the 'Tampa Affair', the Australian Government first introduced a boat turnback policy, known as 'Operation Relex'.

The turnbacks have not "stopped the boats": 20 boats of asylum seekers were turned back in the first 18 months. The number of refugees waiting in despair in Indonesia for Australian policy to change is building and refugees are now paying smugglers to get them a place inside Indonesian detention centres as they are starving with no work or resettlement rights in Indonesia. In April 2014, the United Nations High Commission for Refugees publicly stated that Australia was breaching its obligations under international refugee law due to the policy. There is a current Commander Operation Sovereign Borders and the policy remains ongoing.

Deaths after tow-backs

In January 2014 asylum seekers including children and teenagers were physically shoved inside an Australian Navy lifeboat and escorted back to Indonesian waters by Border Protection Command who then abandoned them. The boat came ashore at a sparsely inhabited jungle reserve. Three asylum seekers were reported to have died "while crossing a river in the jungle" in their attempt to seek assistance after coming ashore.

Returned to the regimes

In late June 2014, Australian authorities intercepted a boat of asylum seekers from Sri Lanka and returned it directly to Sri Lankan authorities at sea after a cursory and dubious 'enhanced screening' process, where asylum seekers were given brief over the phone interviews without adequate translation or legal support or right to review, and the interviewing officer can decide to screen them out. Reports from the new Sri Lankan president reveal the Australian government secured co-

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operation from the Sri Lankan government on stopping asylum-seeker boats in exchange for silence on human rights abuses.

In November 2014, the Australian Government handed 37 more asylum seekers over to the Sri Lankan navy. On 20 March 2015 a boatload of 46 Vietnamese asylum seekers were intercepted by Australian authorities and returned directly to Vietnam.

Paying people smugglers

Amnesty International reports that in May 2015, Australian officials working as part of Operation Sovereign Borders paid USD \$32,000 to six crew who had been taking 65 people seeking asylum to New Zealand and told them to take the people to Indonesia instead. The Australians also provided maps showing the crew where to land in Indonesia. It also raises questions about whether Australian officials paid money to the crew of another boat turned back in July.

Held on ships for weeks

A boat of Sri Lankan asylum seekers were detained on an Australian Customs vessel for four weeks in June 2014 while the Australian Government negotiated with Indian authorities about their possible return. When India refused, they were taken briefly to the Australian mainland and then transferred to offshore detention on Nauru.

Asylum seekers reported receiving heavy-handed treatment including limited food and access to sunlight, limited freedom of movement, separation of families, physical and verbal abuse.

Resettle from Indonesia, save lives at sea

Instead of towing boats back to danger, the Australian Government could use its resources to rescue and welcome refugees. Almost all the deaths at sea have come after the appallingly slow response of Australia's search and rescue services, which have been told to prioritise stopping boats, not saving lives- but that could easily be reversed. The ban on resettling refugees from Indonesia should be lifted, and refugees immediately flown here for community processing and resettlement.



Temporary Protection Visas (TPVs): “just a bigger prison”

As part of their campaign to “stop the boats”, the Coalition Government passed legislation preventing asylum seekers from applying for Permanent Protection Visas (TPVs) in December 2014.

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The Australian Government will only grant bridging visas and Temporary Protection Visas to asylum seekers who arrived by boat prior to 2014.

Australia is the only country in the world that refuses to grant permanent protection to refugees who have been through a full asylum determination system and who have been recognised as genuinely in need of protection.

Applying for TPVs

Asylum seekers can wait up to three years before they are even invited to submit an application for temporary protection. During this time they are held in detention or on bridging visas in the community without work rights, with no right to family reunion or right to re-enter Australia if they travel overseas. Asylum seekers on bridging visas are not eligible for payments through Centrelink or for public housing or post-secondary education. As of May 2018, there were 2.2 million temporary visa holders in Australia, all with varying rights attached to them.

The process of submitting an application for a TPV is geared to be stringent, conditional and at the discretion of the Home Affairs Minister. Refugee legal centres are limited by how much assistance they can provide due to \$100 million worth of Federal Government funding cuts to these services in 2015. The 80 page application is written in English, making it virtually impossible for many asylum seekers to navigate and answer without legal assistance.

The notorious “fast track” processing laws have seen rates of rejection sky rocket. In 2015, under “fast-track” only 300 applications were processed, with an 80% rejection rate. But over the four years prior to 2013, an average of about 97% of asylum seekers arriving by boat were ultimately determined to be refugees.

Successful TPV holders must reapply for a renewed visa every 3 years, even if there is no change to the conditions in the country they fled. This artificially and unnecessarily increases the workload of the DIBP, but it also has terrible mental health consequences for refugees.

The human cost of temporary visas

People on TPVs and bridging visas live with high levels of anxiety and depression, exacerbated by the constant possibility of their application being rejected and then facing deportation. Researchers from the University of NSW found that TPVs increased the risk of asylum seekers and refugees developing depression and post-traumatic stress by 700 percent.

TPV holders may have access to support schemes providing a maximum of \$227 per week, which is below the poverty line of \$412, but the levels and terms of assistance are at the minister's discretion. The Department of Home Affairs announced that over the second half on 2018, there would be drastic cuts to support for people seeking asylum that live in Australia. This includes those on TPVs. The eligibility to the Status Resolution Support Service (SRSS) has changed, with the Department planning to reduce those using the service to less than 5,000. As of the end of February 2018, there were 13,299 people receiving the support. This means that thousands will not be able to access basic income assistance, a caseworker and torture and trauma counselling. Living on temporary visas without real welfare assistance exacerbates the high levels of anxiety and depression that these people face.

Under TPVs family reunions and sponsorships are prohibited and children may be separated from their parents for long, indefinite periods. This also results in more people risking their lives at sea. In 2005 Iraqi refugee Mohammad was unable to reunite with his wife and three children due to his TPV

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conditions. They drowned, along with 11 other members of his family, after their boat sank between Indonesia and Australia. Mohammed said life on a TPV was “just a bigger prison.”



Deportations

In recent years, the Australian Government has increased its deportation of asylum seekers back to danger. This truly began with the passing of the Coalition’s ‘asylum caseload’ legislation which removed the appeal rights relating to the visa status of all asylum seekers who arrived after August 2012. This has resulted in more people being at risk of deportation to danger.

Under international law, it is a crime to deport someone who has sought asylum – this principle is known as non-refoulement (contained within the Convention and Protocol Relating to the Status of Refugees, page 3). Australia is a signatory to this principle, yet continues to breach it. People are being deported to countries such as Afghanistan, Iran and Sri Lanka, which are widely known as not being safe places. There have also been coercive measures that have resulted in asylum seekers ‘voluntarily’ returning to their country of origin. For example, it emerged in September 2017 that the Australian Government was offering \$25,000 for Rohingya refugees to return to Myanmar, where it has been well documented that they face genocide and ethnic cleansing.

There are numerous examples that highlight the cruelty of the current deportation regime. One is that of the family from Biloela, Queensland. Nades and Priya, husband and wife, respectively, are two Tamil asylum seekers that had been living in Biloela for four years. It is there that they were raising their two Australian born daughters, aged 9 months and 2 years. At 5am on the 5th of March 2018, Australian Border Force officers, as well as police and Serco officers arrived at Priya and Nades’ home and told them they had ten minutes to pack their bags. It was only the day before that Priya’s bridging visa had expired – she was in the process of obtaining an extension with the Department of Home Affairs.

It was then that they were sent to Melbourne and ended up signing a ‘voluntary removal’ form on March 6. This is after being told that they would be denied access to a phone and forcibly deported separately if the form was not signed. Then on March 13, the family was flown to Perth to be deported, but was stopped due to a legal challenge. After that they were sent back to Melbourne and have remained in Broadmeadows Detention Centre. There have been numerous failed court appeals to keep the family together and in Australia.

Priya’s family does not live in Sri Lanka and she has not been there for 18 years. Nades had links with the Tamil Tigers which makes him extremely vulnerable to persecution should he return to Sri Lanka. This family has spent almost a year in a detention centre and has had their lives completely turned

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upside down. This is just one example of the government's deliberate cruelty towards a family with Australian born children.

Despite this, there have been successes overseas with people refusing to buckle their seatbelts or take their seats on flights. This is an action that everyone can do. In addition, there have been many cases of pilots and airlines across Europe that have refused to deport people seeking asylum. There is a very real responsibility of airlines and corporations to stand up for human rights.

What can you do to help stop deportations? Contact the below airlines and encourage them to refuse to carry out deportations.

- **Qantas**
P: +61 2 9691 3636
Qantas, 10 Bourke Road, Mascot, NSW, 2020
- **Jetstar**
P: 131 538
Jetstar Airways (Australia), Corporate Address: PO Box 4713, Melbourne, VIC 3001; 79 Victoria Parade, Collingwood, VIC 3066.
- **Alliance Airlines** (regularly charters for the Department of Immigration and Border Protection, a subsidiary of Virgin Australia), Alliance Airlines, PO Box 1126, Brisbane Airport, QLD 4009, Australia
General enquiries email: media@allianceairlines.com.au
Ph: 1300 780 970
- **Regional Express**
Sydney Head Office: PO Box 807, Mascot, NSW, 1460
- **Skytraders**
PO Box 1566, Tullamarine 3043
Ph: +61 3 9335 5522

You can also join anti-deportation actions – to find out when they are occurring add your contact details to the Refugee Action Collective's sign up list: <http://rac-vic.org/subscribe>, follow RAC on Facebook or send through a message: <https://www.facebook.com/racvic>

If you are on a plane with a deportee, refuse to sit or buckle your belt until the person is taken off the plane; encourage other passengers to do the same; complain about safety concerns to airline staff.

The Border Force Act: we won't be silenced!

Workers at Australia's offshore detention centres have exposed the systemic brutality asylum seekers endure. They have spoken out to the media, rallies, public forums and in professional networks about sexual and physical abuse, the atrocious living conditions, the inadequate health care and the fundamental injustices on Nauru and Manus. So powerful is their testimony in discrediting the offshore detention regime that both the Labor and Liberal parties have sought to silence these workers' voices.

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The *Border Force Act* was introduced on July 1, 2015 with bipartisan support. This Act had secrecy provisions in section 42 which outlined that any ‘entrusted person’ (this included doctors, nurses and teachers) could be imprisoned for up to 2 years if they disclosed ‘protected information’. This not only attempted to deter workers from speaking out about the horrific conditions and the abuse that occurs in detention centres, but also punished them for protecting the people they have a duty of care over. The same secrecy laws would not be accepted in Australian schools or medical facilities – and yet, it was deemed necessary in the offshore camps. It was only after strong public campaigns led by unions, health care professionals, teachers and activists alike that exemptions for doctors and health professionals were granted.

The persecution of whistle-blowers and the shutdown of the media was not merely confined to offshore detention and Australia’s refugee policies. In June 2019, NewsCorp reporter Annika Smethurst’s home and ABC headquarters were both raided by the Australian Federal Police in relation to the publication of leaked information. The outcry from the media and the public in the aftermath was unparalleled to anything seen before. However, it must be noted that the media’s complacency and lack of outrage at previous attempts to silence other whistle-blowers emboldened these most recent raids. Limiting the reporting of the truth in one area of public interest will always flow on to others.

More info: <http://www.afairersociety.com.au/doctors-face-jail-for-reporting-asylum-seeker-abuse-the-australian-border-force-act-2015/>



The high cost of offshore deterrence

The offshore processing regime in Australia is not only morally and politically reprehensible, but also considerably more expensive than having a humane refugee resettlement framework. According to a study by Save the Children and UNICEF, the cost of the deterrence regime from 2013 to 2016 was 9.6 billion of Australian taxpayers’ dollars. The cost of running this cruel system further skyrocketed, as highlighted by figures provided to the treasury Senates estimates committee. In the 2016 to 2017 year, \$4.06 billion was spent by the government on border protection. Breaking down this figure, it was revealed that \$1.57 billion was spent on ‘onshore compliance and detention, \$1.08 billion for the “offshore management” of “irregular maritime arrivals”, and \$1.06 billion on border enforcement’. During this time period, the Department of Home Affairs also spent just under \$10 million on an overseas anti-people smuggling advertising campaign.

The farce of offshore processing has been proven throughout the years, as highlighted through people languishing offshore for at least five years now. Per year, it costs about \$400,00 per person to keep them offshore. In comparison, holding one person in onshore detention for a year costs about \$345,000, community detention’s cost is about \$100,000. For an asylum seeker to live in the Australian community on a bridging visa whilst their claim is processed, about \$33,000 is needed. Therefore,

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regardless of the numerous ethical and legal implications of the entire deterrence regime, it does not make economic sense to maintain Operation Sovereign Borders.

Making jobs, not taking jobs

The rhetoric of refugees being a 'burden' on the economy simply does not add up. There are both Australian and international examples to prove this. Ultimately, the attitudes and policies of governments contribute greatly towards the eventual economic contributions that refugees make. An example of this is in Germany. After accepting over a million refugees, predominantly from Syria, Germany found itself with the fastest growing economy in the G7. The German Institute for Economic Research also released a report in 2015, highlighting that integrating refugees properly into the community is a worthwhile and long-term investment. There have also been numerous examples of regional towns in Australia thriving due to the influx of refugees.

Refugees should not be blamed for money spent supporting cruel policies. Scapegoating refugees for unemployment and job losses only pits one group of disadvantaged people against another, and ignores other economic issues.

LGBTI Asylum Seeker Rights

Homosexuality is illegal in at least 78 countries around the world, but persecution and violence against Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) people occurs in far more. Many LGBTI people are forced to leave their homes and seek asylum elsewhere purely on the basis of their sexuality, yet when they arrive in Australia, they face further prejudice and the very real risk of deportation back to danger.

What the "Fast Track" legislation means for LGBTI asylum seekers

LGBTI asylum seekers now face significant pressure to 'come out' to immigration officials in the first interview. Failing to do so places them at risk of being refused protection and subsequent deportation.

For asylum seekers who have feared persecution, violence and imprisonment in their home countries on the basis of their sexuality, their fear in 'coming out' to strangers on arrival is well grounded. This fear is understandably heightened when revealing such information to government officials.

However, asylum seekers who choose to withhold this information from immigration officials until they feel safe in revealing it may have their claims dismissed as unmeritorious. Further, the grounds for judicial review in these circumstances are narrowly circumscribed, and refugees who do not 'come out' in their initial interview are unlikely to be offered protection on these grounds.

In 2004, the High Court agreed for the first time that gay couples should not be rejected on the grounds that they could be 'discreet' about their sexuality to avoid persecution in their home country. The December 2014, legislation undoes this finding by denying protection to refugees who could take 'reasonable steps' to 'modify' their behaviour. Although 'fundamental' aspects of identity are excluded, it is unclear what this would mean in terms of an applicant's sexuality.

After disclosing their sexuality, LGBTI people are also required to prove their sexual preferences in order to qualify for asylum. If protection is granted, new laws that grant only temporary protection visas mean LGBTI refugees will have to continue to 'prove' their sexuality regularly to retain refugee status.

LGBT asylum seekers on Manus Island

For asylum seekers who identify as LGBTI, homosexuality is illegal in PNG and carries a jail term of up to 14 years. Men in the Manus Island camp were told by the Salvation Army that ‘homosexuality is illegal in Papua New Guinea. People have been imprisoned or killed for performing homosexual acts’. A former Salvation Army worker and a G4S security guard, both of whom have worked on Manus Island, told of gay asylum seekers being raped and brutalised, with the full knowledge of the staff.

In a letter, a gay asylum seeker imprisoned on Manus wrote: “I am so sorry that I was born gay ... I wish our boat had sunk in the ocean I have to hide my sexuality because in this country, like Iran, there are a lot of people--fanatics--when if they find out anyone is gay, they would harass them and maybe even try to kill them. I have to hide my personality once again. I have to live as someone else. I am a homosexual, a gay man, and because of that I was torture here and no one is hearing me to help.”

The LGBTI community has a proud history of fighting against discrimination and dehumanisation, for freedom and diversity. The support of individuals and organisations within the LGBTI community can build enormous pressure on the government to repeal the homophobic legislation and to end offshore processing for good.

How to get involved

Contact ‘No Pride in Detention’ to find out about their upcoming events and how to get involved
Facebook: <https://www.facebook.com/NoPrideInDetentionOz/>

Ministerial Discretionary Power

Peter Dutton’s ministerial discretionary powers are ones that have rightfully been scrutinised repeatedly by various bodies. The ‘god-like’ powers that he possesses far outweigh any of those belonging to other members of the government – including the Prime Minister and Attorney General. With the stroke of a pen, the Immigration Minister can ‘detain or re-detain asylum seekers without warning, send them to offshore detention centres, refuse or cancel visas on character grounds and can remove any possibility of reviewing a decision not to grant asylum seekers a protection visa.’ There are limited, if any, avenues for review, essentially making Dutton’s decisions shrouded in secrecy and supremacy.

Initially these powers were intended to be enforced by a wider range of people, instead of just the Minister themselves. However, as time has progressed, such power has been vested only to the minister. Furthermore, in 1999 judicial review was removed in favour of pursuing the ‘national interest’ of Australia – a term that is purposely left ambiguous to excuse policy or discretionary decisions. There have been concerns raised about these powers as illustrated by a 2004 Senate inquiry which stated that ‘vesting a non-delegable, non-reviewable and non-compellable discretion with the immigration minister without an adequate accountability mechanism creates both the possibility and perception of corruption.’ It was recommended that a scrutiny body be set up to avoid this, however that has not been done. A similar Commonwealth Ombudsman report was released in 2016, essentially stating the same thing as the previous enquiry.

The aforementioned Kerryn Phelps Bill seeks to limit the discretionary power of the Minister and, instead, give authority to doctors to determine if a person from an offshore camp should be transferred for urgent medical treatment. The discretionary power that Dutton has is able to be used to assist those most vulnerable. Instead of showing compassion for refugees and asylum seekers, he

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instead granted tourist visas for au pairs with connections to him personally and the Liberal Party. In September 2018, it emerged that Dutton intervened in the planned deportation of two au pairs in two cases. In the first case, the Italian au pair was employed by a previous colleague of Dutton from Queensland Police. In the second situation, a French au pair was detained at Adelaide Airport. Gillon McLachlan, the head of the AFL, lobbied Dutton to intervene on behalf of his cousin, the woman's employer. The McLachlan family had previously donated more than \$150,000 to the Liberal Party. These actions were undertaken despite advice from the Department, telling him to do otherwise.

The sheer hypocrisy of the ministerial discretionary powers is perhaps best highlighted through Dutton stating that his granting of the tourist visas was a 'humanitarian act' and that extending these people's stay in the country was 'in the best interests of Australia as a humane and generous society.' Allowing refugees to languish onshore and offshore for over half a decade, whilst doing favours for ex-colleagues and political donors truly illustrates the discriminatory and often racist nature of the deterrence regime.

Peter Dutton has also on multiple occasions, been threatened with a contempt action by the Federal Court. Flick J described him as "a person who has demonstrated an unapologetic reluctance to take personal responsibility for his own non-compliance with the law." In the most recent instance, he failed to comply with a court order to make a decision on whether to grant an Iranian refugee a protection visa.

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The Legacy Caseload

It was announced in May 2017 by Dutton, that a deadline of October 1 2017 was to be created for asylum seekers to submit their claims for refugee status. The consequences of failing to do so would be cutting any welfare payments, the right to work, access to healthcare, facing possible deportation and being banned from re-entering Australia. About 7,500 asylum seekers have not yet formally applied, however this is because most are waiting for legal assistance, as the applications are extremely difficult to complete without the help of a trained legal professional. The Guardian states that it is a '60-page document in English, that takes about eight to 10 hours to complete with legal help.' Dutton has the ability to, through the aforementioned discretionary powers, prevent these deportations and such cruelty from occurring. The fact of the matter is that Dutton did not have to seek Parliament's support to be able to impose a decision that could destroy lives – this is all within his portfolio as Immigration Minister. His war on 'fake refugees' that are supposedly taking the taxpayer 'for a ride,' is his excuse for this round of inhumane policy.

According to the Kaldor Centre, 72% of people that had made applications had been granted temporary protection visas, which extends the uncertainty for another three years. However, there were still 13,218 people waiting for the Department to make decisions on their cases. This is as of May 2018.

Australia's hotel prisons

The Australian Government has recreated the offshore camps right in the middle of Australian cities. The refugees detained in hotel prisons were amongst those brought to Australia for medical treatment under the Medevac law in 2019.

As of 1 June 2020, there are 65 men being held in the Mantra Bell City Hotel in Melbourne and 108 men in Kangaroo Point Hotel in Brisbane. There are also 46 men and women from offshore in MITA Detention Centre and 2 people in BITA Detention Centre. Many of them have been trapped in the hotels for months. The first group of men arrived at the Mantra in July 2019 and by July 2020, will have spent one year inside the hotel detention centre.

Prior to this they spent six years in detention in Papua New Guinea and Nauru, having reached Australia after a government ruling (in July 2013) that people who applied for asylum after arriving via boat would never be settled here. The detained refugees have daily protests against their detention and torture. In May - July 2020 there have been explosive solidarity protests and a 24/7 blockade at the hotel prison at the Kangaroo Point Hotel, Brisbane. Support the protests of men inside the hotel detention centres:

- 'Manus to Mantra' Facebook page: <https://www.facebook.com/manusto.mantra>
- 'Manus Alert' on Twitter and Telegram: <https://twitter.com/ManusAlert>



The Medevac Laws

The men were amongst those brought to Australia for medical treatment under the Medevac law in 2019. Being transferred under Medevac means that an independent panel of medical professionals determined that their health required treatment that could not be obtained in PNG or Nauru, where medical systems are far inferior to what is available in Australia. It is not clear why the government put these men in particular in the hotels when other men, women and children who came to Australia for medical treatment are in community detention, albeit in precarious situations and dealing with the impacts of trauma and years in detention.

Many refugees and asylum-seekers who came to Australia under Medevac have reported that they are not receiving the care for which they were evacuated. Instead of specialist diagnosis and treatment, they have reported receiving only general consultations. The government has now overturned the law, and the future of the refugees and asylum seekers in detention is entirely uncertain.

'Alternative places of detention' (APODs)

Under Australia's migration law, hotels and other sites can be designated as an "alternative place of detention" (APOD). In theory, APODs have fewer restrictive security measures than detention facilities and are more likely to be used for short stays. In practice, APODs have been used for long periods.

And some places designated as APODs (like certain of the compounds on Christmas Island) are indistinguishable from regular detention facilities. The use of commercial hotels also reflects another key aspect of Australia's immigration detention system: expensive, private contracting.

The COVID-19 pandemic

The threat of COVID-19 has exacerbated mental health problems as refugees in detention are unable to protect themselves. Many have underlying health conditions that make them vulnerable, from diabetes to kidney disease.

Healthcare workers have previously described the makeshift detention centre housing more than 60 men who were medically evacuated from Manus Island and Nauru as a "very high-risk environment" for transmitting the coronavirus.

In the Mantra Hotel, the refugees are all crammed into one floor of the hotel. They share rooms. They have meals in the hotel. There is no outdoor space. There is no access to fresh air—while once they could apply to be taken to MITA detention facility to be briefly outside (behind fences), since the COVID-19 pandemic even that is no longer possible. They often spend 23 hours a day locked in their rooms. They also are no longer able to have visitors.

These are obviously extraordinarily damaging conditions to live in. Moreover, during the COVID-19 pandemic people in immigration detention have faced even greater threats to their safety than usual. They cannot practice social distancing, they do not have reliable access to soap or sanitiser, and—in addition to guests and staff using the hotel grounds—Serco guards rotate frequently (around 90 a day at Kangaroo Point, for example), increasing the risk of infection. The resulting, well-founded anxiety compounds the strain and trauma of years lost in detention.

The Australian Government is hoping that no one will notice, but the lives of those locked up depend on us paying attention.

Resettle and provide permanent protection for all refugees in Australia

The only way to ensure that the dignity of people seeking asylum is returned is to resettle them here in Australia. Third country solutions do not work; as highlighted by the Cambodia and Malaysia deals. Offers of accepting 150 refugees per year from New Zealand would take years to actually be completed. The United States deal has fewer places available than people stuck offshore. It is not safe for people to be resettled on Manus Island and Nauru. There have been years of the Labor Party and Coalition claiming that they would make regional resettlement arrangements, but this ultimately denies Australia's responsibilities.

As a wealthy and resource-rich country in the region, Australia has the capacity to adequately help the refugees offshore and onshore. Countries such as Turkey and Lebanon have accepted millions of

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refugees, whilst others have turned their back. This increases the strain on those countries. Australia is in a position to accept every single refugee offshore into the community and provide them with real assistance. Each section within this booklet has highlighted the deliberate cruelty imposed upon those that come to Australia wanting a better life. The strength of the refugee movement has seen the kids come off Nauru, it is now time for us all to continue the fight for all refugees and to dismantle the entire deterrence regime.

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Get Involved!

Shifting public opinion is key to building the opposition that can force the government to close Manus and end offshore processing. The refugee movement has done this before. Under Howard, the grassroots campaign swung public opinion. Between 2001 and 2004, the number of people who thought some or all asylum boats should be able to land in Australia went from 47 per cent to 61 per cent. By 2004, the government was forced to ease conditions in detention. Many long-term refugees were released. Children and families were also released from detention. By 2007, Rudd-Labor was forced to end offshore processing.

But as long as the government is committed to deterring refugees and punishing refugees who arrive by boat, the pull will be towards reinstating brutal policies, and the atrocities will continue. We need to insist on our demands that it is not a crime to seek asylum and that we must welcome the boats. We need to turn the fantastic mobilisations of all members of the community into a sustained campaign that won't stop until all the deterrence politics are dismantled.

We need you!

The Refugee Action Collective meets every Monday night, at 6:30pm, 535 Elizabeth St Melbourne, and all are welcome.

Call Lucy on 0404728104

Website: <http://rac-vic.org/>

Facebook: <https://www.facebook.com/racvic/>

Instagram: @rac_victoria

Twitter: @racvictoria