



Refugee Action Collective — Victoria

• End Mandatory Detention • Close the Camps • Stop Deportation of Refugees •
• Abolish Temporary Protection Visas • Let the Boats Land • Fight Racist Scapegoating •

NEWSLETTER, November 2004

FREE THE REFUGEES

Stand Up For Refugees

National Rally at Parliament House Canberra

12pm Tuesday 16 November
First Sitting Day of Parliament



DEPORTATION PREVENTED!

On 18 October a Sri Lankan asylum seeker was to be forcibly deported on board a Malaysia Airlines flight. The man harmed himself to try to stop guards putting him on the plane, and refugee supporters gathered at the airport, leafleted passengers, and phoned Malaysia Airlines to protest.

An interim injunction to prevent Menika's* deportation was obtained, but that has now expired. Justice Tony North in the Federal Court sought an undertaking from the Department of Immigration to provide Menika's legal advisers with at least seven days notice of their intention to deport him. That undertaking has been provided. Justice North also said that he hoped Menika would in the future be treated by the Department and its agents 'with dignity and respect' (turn to page 6 for more on deportations).

TAKE ACTION

- Let us know if you are available to join us at the airport to try and prevent forced deportations; or to telephone the airlines to complain about deportations: email refugeeaction@mail.com with your mobile number if you would like it added to our SMS deportation alert list.
- Call talk back radio and write letters to the paper expressing your concerns

* Names have been changed

On the first day of the new parliament, don't let the view from John Howard's office be of Lake Burley Griffin. Make sure that the sight he has to face is swarms of angry and determined protesters. Let him and his government know that the fight for refugee justice will continue!

Come to Canberra for the first sitting day of Parliament to demand permanent protection for all refugees and the closure of all detention centres.

The convergence is gaining the support of a broad collection of organisations and individuals (see the list on page 5).

And if you can't get time off work, you can still contribute! By paying for a RAC bus ticket, you can "sponsor a protestor," and you can even specify that the seat goes to a refugee (dozens have already expressed their desire to come!). Call 0438 399 973 to book.

To help build the convergence and get involved in the campaign to FREE THE REFUGEES, come to RAC's meetings held Tuesdays, 6pm, Trades Hall (cnr Lygon and Victoria st). ALL WELCOME!!!

For more information contact RAC:
www.rac-vic.org ph: (03) 9659 3505

Turn to page 4-5 for more about the Canberra Convergence.

SOME OTHER THINGS THE WEAPONS INSPECTORS CAN NOW START TO LOOK FOR:



AFTER THE ELECTION... where to

We all know the bad news: same vicious government, same inhuman policies. Amanda Vanstone and her Department of Immigration are still able to play God, treating human beings and our lives like we're all just pawns in their game.

Howard won the election by doing three things. Scrooge Howard suddenly turned into Santa Claus, promising to spend \$6 billion of our money on health and education. He also played on our economic insecurity: it's hard to be "comfortable and relaxed" when you are mortgaged to the hilt, trying to get the basic security of somewhere to live with a bit of dignity. Finally, Howard relied on many of us being so cynical of the Labor Party (remember "no child will live in poverty by 1990"?), and so disengaged from the political process in general,



that it's easy to just shrug and say it'd be no different anyway.

So the election was very far from being a referendum endorsing the Liberals' treatment of refugees – the issue wasn't touched by either of the major parties during the campaign. Indeed, in the leadup to the election, the Liberals thought it was important to present a "softer" image on refugees. Its bogus, of course – almost none of the over 9000 people in the limbo of "temporary protection" will benefit from Vanstone's pre-election changes – but the fact they had to do it, and the very gradual trickle of some refugees out of Baxter after years of detention, shows the Government has felt some pressure from the years of campaigning.

We should also remember some basic

There is a growing movement of many organizations who support refugees and asylum seekers. This network of organizations exists in every capital city, and many rural areas and regional centres. These groups do extraordinary work in supporting asylum seekers and refugees. This work includes advocacy, lobbying, hands on help with accommodation, financial support.

Above all, these groups are a nucleus of a different Australia. They are the concrete expression of a different vision of who we are, an expression of a more compassionate Australia that understands that we are a nation of indigenous peoples and immigrants, a new world with an ancient past, a non racist, and welcoming nation that cares for those who continue to flee oppression, and those seek freedom and a new future for themselves and their families. Despite the election results, there is a lot to build on.

This is the most rapidly growing and diverse movement for social change that I have ever seen in Australia. It could be a springboard for a more egalitarian future.

Arnold Zable,
author

from here?

political history. Menzies was elected prime Minister in 1949, and the Liberals were in power for 23 long years. Yet Australian society changed significantly in this time. From small beginnings, a movement against Australia's war in Vietnam had forced the Government to all but withdraw by the time Whitlam was elected in 1972. Consistent work by many activists built movements that made a difference on issues such as equal pay for women and land rights for Aboriginal people, and the beginning of the end of the "white Australia" policy.

So even though the Government won the election, determined campaigning by ordinary people can still have an effect. Over the past four years, RAC has consistently aimed to mobilise people in a variety of ways. This has ranged from rallies like the Palm Sunday marches and our successful pre-election rally of around 3,000 people, through to civil disobedience actions like the Woomera protests and several smaller blockades.

Right now, RAC needs your help in mobilising as many people as possible for a convergence on Parliament House in Canberra on Tuesday November 16, the first sitting day of the new Parliament. We want a sizeable rally to say right from the start that we have not forgotten our brothers and sisters in detention and in the community; that we don't accept that any mandate claimed by John Howard gives his Government the right to carry out systematic abuse of human beings; and that we will continue to stand up and be counted for human rights.

Beyond the Canberra Convergence, there is an enormous amount of work to be done. We need people doing the steady work of organising, copying, and getting our material to as many places we can, to inform and to mobilise people

into some sort of action on the issue. We need more people that can stand up and talk about refugee issues anywhere from schools to union meetings; people who can help to organise and publicise benefit concerts that help to keep the issue alive and raise some much-needed cash for the campaign; people updating and reworking our educational material, and the list goes on.

The election result means that we can't have illusions in any quick fix to the obscenity that is Australia's refugee policy. But neither can we collapse into despair or inaction. If we care about human beings and human rights – for refugees and for all of us – then doing nothing is simply not an option.

See you at the next RAC meeting,

Jerome Small

never give up
never give up
never give up
Julian Burnside, QC

Our position is very clear. We need to seek reform across the board on all issues, without tinkering around the edges. I think we must avoid the danger of lethargy or any form of acceptance of their terrible policies and practices, and 'go for broke'. I think there is a danger in allowing the 'achievable' to be too narrowly defined so that the reform agenda becomes too limited and acquiescent.

David Manne,
Refugee Immigration Legal Centre

First sitting day of the new Parliament,

Stand up for

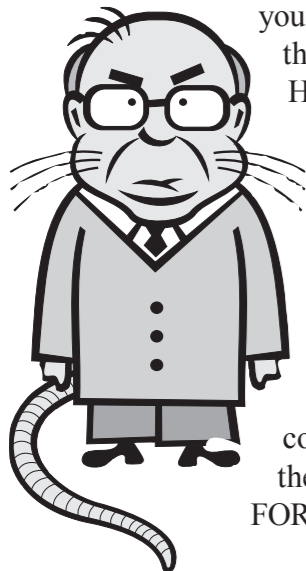
The re-election of the Coalition Government poses an enormous challenge for refugee activists.

Yet it is one we must rise to meet.

Mandatory detention and the agony of temporary visas have cost too many lives, too many tears, too many years of childhood and youth. Refugees were the issue that neither major party wanted to talk about during the election. Now we must make sure the issue is not swept under the carpet by the new Parliament.

Some of our friends still in detention wrote in response to the election result: "Democracy doesn't automatically guarantee justice ... we are also very desperate but what to do? ... We continue with our peaceful protest until we get an answer. We expect your further support."

We are calling on you and your friends to join us on the lawns of Parliament House in Canberra on the first sitting day of the new Parliament. We must show the politicians that we are not going away, we are not giving up – that we will keep coming back until there is JUSTICE FOR REFUGEES.



FOR REFUGEES.



We call for:

- An end to mandatory detention and the release of all asylum seekers in detention.
- Permanent protection and citizenship – an end to Temporary Protection Visas and Bridging Visa Es.
- An end to the "Pacific Solution" – bring detainees on Nauru and those towed back to Indonesia to Australia immediately.
- Compensation and support for those who have suffered years of unjust detention.

"Democracy doesn't automatically guarantee justice... We continue with our peaceful protest until we get an answer. We expect your further support."

Baxter detainee

RAC is organising buses to Canberra, so return the slip below to book your seat. Tickets: \$50 waged, \$20 unwaged.

Refugees

Tuesday 16 November 2004 in Canberra

Signed by:

Rural Australians for Refugees, Refugee Action Collective (Victoria), ChilOut, National Anti-Deportation Alliance, www.nauruwire.org, Field of Hearts Project, Project SafeCom, Western Australian Refugee Alliance, Refugee Rights Action Network (WA), Refugee Action Coalition (NSW), Refugee Action Committee (ACT), Refugee Action Collective (QLD), Baptist Union of Victoria Public Issues Network, Maleny RAR group, Armidale RAR group, RMIT Refugee and Asylum Seeker Project, Fremantle Refugee Support Project, The Bessie Smyth Foundation, Sydney, Public Servants for Refugees, Buddies Refugee Support Group, QLD, Women's Abortion Action Campaign, NSW, Blue Mountains Refugee Support Group, Community Campaign Against Homophobia (NSW), Socialist Alliance, Socialist Alternative, Housing Workers 4 Refugees Brisbane, Stop the War Coalition, Sydney, Darwin Refugee Action Network, Australians Against Racism

Senator Bob Brown, Australian Greens; Julian Burnside, QC; Jane Keogh, Canberra; Grace Gorman, Melbourne; Abdul Baig, Melbourne (formerly a delegate inside Maribyrnong Detention Centre); Sam Watson, Murri activist, film-maker and writer; Gillian Blair, South West Action for Refugees (Warrnambool); Lynda Smith, Spokesperson for Refugees and Immigration, Greens NSW; Lynne Murphy; Mark Williams, Researchers for Asylum Seekers; Elaine and Geoff Smith, NSW; Rosemary Breen, convenor, Inverell RAR; Judith Dynan, Province Leader, Franciscan Missionaries of Mary; Kate Orman, Australian Democrats, Bennelong Branch; Pat Feehelly (Goulburn RAR); Phil Griffiths, former convenor, RAC ACT; Bronwyn Ellis, Whyalla, SA; Kaye Bernard, WA; Stuart Kingsford, Greens Federal candidate for Flinders, 2004; Priscilla Phelps, VIC; Sita Parsons; Robert Marshall, VIC; Frederika Steen, Brisbane; Laurie Ormond; Jen Brown, Lismore NSW; Jen Harrison; Martin Rorke; Margaret Harrison; Rachel Reilly, Melbourne; Stephen Houston & Lara Palombo; Marianne Cannon & James McCarthy; Gaille Abud; Helen Tweeddale; Alenka & Ron Co, SA; Jack H Smit, WA; Helen Lucy Moss; Pam and Rod Lever, Glasshouse Mtns, Qld; Helen Lewers, Napoleons, VIC; Anna Hirst; Dr Annette Salt; Harriet McHugh-Dillon; Louise & Brett Fulwood; Susie Gates; Suellen Irving; Margaret Kirkby, Sydney; Mary J de Merindol, Sydney; Grace Brown, NSW; Cris Townley; Margaret Moore; Jane McDonald; Jane Gapinski; Frank Gapinski; Kate Champion; Martin Moore; Maggie Piper; Emily Moore; Robert Piper; Dianne Potter; Hamish Mark Tweeddale; Lola and Ron Sharp, NSW; Susan Metcalfe; Primrose Letcher, Melbourne; Lorna Bowers; Don Stewart, Warrnambool, VIC; Dr Eva Sallis, President, Australians Against Racism; Arnold Zable, author, Melbourne

22 October 2004

Yes!

I want a seat on the RAC bus to Canberra.

Name: _____

Phone: _____

Tickets: \$50 waged / \$20 unwaged

Buses leave Trades Hall Carlton, late Monday night, returning Tuesday night [in time for last trains]

Post this slip to:

Refugee Action Collective, PO Box 578, Carlton South, 3053

Solidarity and Resistance Inside Baxter Detention Centre

In defiance of the systematic dehumanisation central to the mandatory detention regime, a group of Sri Lankan asylum seekers inside Baxter Detention Centre have joined together in a protest which has now lasted for more than a month. The Tamil and Sinhalese Sri Lankans are united in their fight to resist deportation and to have their cases reviewed in the light of the continued conflict in Sri Lanka (Crisis Watch this month identified Sri Lanka as a Conflict Risk Alert country, and the Edmund Rice Centre Report, 'Deported to Danger', describes it as a 'high risk' state). Since the third anniversary of their detention in Australia on 15 September, the protestors have been staging a sit-in. They say they are determined to continue their protest despite the cold at nights, the heat and flies during the days, and harassment by guards. In a message to their depressed supporters following the Howard government's re-election they said, 'democracy doesn't automatically guarantee justice...we are also very desperate, but what to do?...We continue with our peaceful protest until we get an answer.'

Emma Larking



Asylum seekers protesting inside Baxter Detention Centre

Deportations

There is a growing body of evidence to suggest the Australian government is not concerned about the threat faced by people whom it forces to return to countries such as Sri Lanka. During its election campaign the Howard government sought to diffuse community concern about the injustice of its refugee regime. It ended Aladdin Sisalem's nine month solitary confinement on Manus island, offered the possibility of permanent protection visas to some (though in reality, very few) Temporary Protection Visa holders, and granted visas to eight Iranian Christians on the basis they are members of a group liable to persecution. These actions have now been revealed as deeply cynical, with the government commencing an aggressive push to deport asylum seekers.

Four days after the election, the government deported an Iranian Christian. Ahmad* had been in detention for four years, but was given no notice he was to be removed. His belongings were packed while he attended a Church service at Baxter detention centre. On his return to his room he was called to the DIMIA office, taken by police to the Whyalla airfield, and then flown to Perth before being placed on an EMIRATES flight to Dubai. On 21st October Ahmad telephoned a contact in Canberra and said that he had been flown to Iran where was interrogated for more than 24 hours. He has now been charged with leaving the country without the appropriate permits, and his position

is extremely grave. The US State Department lists Iran as a country in which many people are at risk of torture and other human rights abuses, and where being a convert to Christianity is an offence punishable by death.

The National Anti-Deportation Alliance (NADA) was set up last year in response to a whole range of issues raised by Australia's deportation (or 'removal' in the words of the Migration Act) practices—concerns about the secrecy and lack of accountability surrounding deportations; the use of force and intravenously administered chemical restraints; and the danger and in some cases death which awaits people in the countries to which they are deported. NADA members Charandev Singh and Barbara Rogalla claim the violence inflicted on people during deportations has included the use of elastic tape, body belts, handcuffs, helmets, the forced administration of intramuscular or intravenous injections, and direct physical assault by guards. Their account has been corroborated by testimony from a former guard at Villawood detention centre, and continues to be supported by reports from asylum seekers themselves.

In its Report, 'Deported to Danger', the Edmund Rice Centre is also extremely critical of Australia's deportation practices. Researchers investigated the cases of forty people deported from Australia, and found that thirty-five of these people 'were living in dangerous circumstances immediately on arrival at the point of deportation, and

only five are clearly safe in the longer term...Two [of these] escaped from dangerous situations on arrival to find permanent sanctuary in other...countries [which are signatories to the UN Refugee Convention], while another two escaped deportation to danger and applied for asylum in a [Refugee Convention] country.'

The Report found the danger faced by deportees 'was exacerbated by documents issued under Australian authority', and that agents of the Australian government have themselves become associated with bribery and corruption. The Report concluded that:

...Australia has not adequately respected and safeguarded some fundamental human rights of the [people deported].

It appears that the Government's present policy regarding refugees and asylum seekers is dictated not by the principles of the Universal Declaration of Human Rights and the Refugee Convention but by other political agenda.

TPV Holders Speak Out (continued from p.8)...

They say the average time for processing and application is 6-10 weeks, but some people have gone 5 months and they haven't heard back yet, some have been rejected in 1 week. So after 5 months of waiting people are being rejected, this makes the whole situation even harder

I just want to mention that the rejections are mainly happening in Victoria, and only 4 cases have been approved so about 12 to 15 people have been allowed to stay in Victoria. It's much better in NSW, so far probably 30 people have been approved and there are very few rejections. When I spoke to the Manager about the difference in Victoria he said that doesn't mean anything. Is it just a coincidence that all the rejections happen in Victoria? There must be something wrong with the reprocessing depending on which case officers are handling the applications.

I've heard very disappointing stories from TPV holders in Victoria who were interviewed by specific case officers who were very harsh, tough and rude and treated them badly. We heard about one case officer who even declined to tell his name, he always refers to himself by number and he rejected most of those who were interviewed at the interview itself. He told them 'you are rejected', so how painful and awful that would be for people.

Before the elections Amanda Vanstone announced what were supposedly big changes to the TPV regime which were very quickly found not to be a big deal. Has anyone you've found been able to make use of these changes to apply for onshore visas?

Well the changes were quite obviously election changes – that's what we can describe them as. They mean absolutely nothing for TPV holders and no single TPV holder can access these so called 'migration mainstream' visas. For two reasons - first the cost of the visas they offer for TPV holders to access and secondly because of the complicated bureaucracy and procedures of lodging an application, which thus puts people through more uncertainty and waiting.

If a TPV holder found they could meet the criteria of a

There is no doubt that our current refugee protection system is in urgent need of reform...Urgent action and truth are now required.

We are not likely to see urgent action or truth from our government, which will no doubt ignore this Report, as it has in the past ignored the results of Senate enquiries, and the findings of a whole range of bodies, including the Human Rights and Equal Opportunity Commission and the United Nations Human Rights Committee, critical of its refugee regime.

It is up to us to ensure that the truth behind Australia's detention and deportation practices is not denied or silenced. It is up to us to take urgent action to prevent more deportations. And it is up to us to create a political community within which those fundamental, but rarely considered, human rights—the right to speak and to be heard, to act and to have an impact—can be exercised by all human beings.

Emma Larking

specific migration visa, it would take months to lodge an application plus money for lodging and processing the visa. The cost of the 33 visas open for TPV access is estimated between \$3000 and \$10000 dollars plus extra costs. Probably very few people will be able to process these applications and I don't know whether they'll even be successful.

Finally we should talk about the election – seems like not much has changed? Has Al-Amel had a chance to sit down and think 'what do we do now'?

We're still thinking...we've been waiting for the election to see which government is going to be in office - last week we had a meeting to think about the result. The Government was really smart in handling the Iraqi TPV applications. They decided to process the applications just prior to the election so to make everyone busy with their own situation and preparing for their applications.

From the other side they made public the changes for TPV holders and the media and a few advocacy organisations were taken in by these changes. The media were supportive to the Government and said it showed the Government were compassionate to TPV holders. They put us in a critical situation so we could do nothing at all. If anyone decided to do a protest the Government would simply say 'look we have offered them everything and they still protesting'.

We don't know what to do, we are in more limbo. People are tired and frustrated and disappointed but we will try to do our best and go on with what we've been doing.

For more information, visit Al-Amel's excellent website: www.ameltpv.org.au

The UNHCR has recently assessed Iraq as too dangerous for returning refugees. Read the full report at: www.unhcr.ch/cgi-bin/texis/vtx/home/

RAC is trying to get subsidies from supporters so that refugees can travel free of charge to the Canberra Convergence on November 16. If you can assist, call the RAC office of 9659 3505

"Now we are in more limbo": TPV Holders Speak Out an interview with Mueen Al Breihi

Mueen Al Breihi is the Chairperson of the Al-Amel TPV Holders' Association, which has been an active voice for Iraqi TPV holders in Melbourne for over two years. Refugee Action Collective spoke to Mueen about the situation facing holders of Temporary Protection Visas after the election.

RAC: To start off with could you talk about the situation facing TPV holders and Iraqi TPV holders in particular? Some hundreds of people in the last month or two who have been told their application for permanent protection has been rejected, is that the case?

Mueen: Yes that's right - what they called 'reprocessing' started in May this year. Here in Victoria we have the vast majority of those who received letters saying their application had been rejected.

The figures we got from DIMIA [Department of Immigration, Multicultural and Indigenous Affairs] report that up to the 3rd of September 231 Iraqis were rejected, mostly in Victoria. From 3rd Sept until now as far as I've heard figures have gone up, more people have been rejected. Only 59 Iraqis were approved until 3rd Sept, only 2 or 3 cases have been added to that number up to now.

What reason is DIMIA giving? Is it explaining why people are being rejected in such large numbers?

I can't say about specific cases, but I had a talk with the Onshore Protection Manager last week, and he told me that are people are failing to prove that they are still in need of protection, in terms of the definition of refugee. He said they couldn't provide reasons for their fear of persecution if they return to Iraq in the meantime. In other words, 'you can go back its safe and you have no more reason to have protection'.

Iraq is a war zone, more so as each day passes with the insurgents and the Americans stepping up their attacks. This doesn't seem to register with DIMIA?

Well we're always speaking to DIMIA and telling them the situation in Iraq is worsening. They don't seem to look at the current situation. In a few cases of those who have been rejected, the case officers decided the application based on information about the future of Iraq, not about the present. So far they take into account some reports or information from BBC or CNN or whatever.

This is the funny thing, when we asked DIMIA they said they were updating information about Iraq through their own resources such as the Trade and Foreign Affairs Department, UNCHR and Amnesty international. But in fact we don't think the Department is really getting this

information and taking it seriously because the report from the UN and other independent organisations has said the situation in Iraq is not safe. I don't know why DIMIA is still insisting it is safe and that Iraqis should go back once they've had their applications rejected.

I'm reminded of when the government first introduced mandatory detention in 1989. As you probably know, most of the people arriving by boat without documentation were from Cambodia. At that time the Government was putting a lot of effort into 'normalising' the situation in Cambodia. Because the Australian Government had so much invested in saying 'everything is fine in Cambodia now, all you people should be able to go back', that seemed to be the reason why they were so harsh on Cambodians applying for refugee status.

I heard about that and a recent example is when DIMIA started reprocessing TPV Afghans applications for further protection. Most of them were also rejected at the beginning, at the first stage. But when the Refugee Review Tribunal set aside most of the rejection decisions, DIMIA changed their minds and started approving Afghans like they'd never done before. As far as I know about 55% of Afghans were approved through the Department and the others through the RRT [Refugee Review Tribunal].

I don't know what's going to happen in the future to Iraqis who have been rejected and who appeal. A few have started appealing through the RRT but no appointments have been set for anyone so far. But still it's worrying; we are really concerned about what DIMIA is doing to Iraqis because we believe that Iraqi applications are highly influenced by the Iraqi situation. Because of Australian involvement in Iraq and the Coalition, we believe that the Australian Government would not like to say the situation in Iraq is bad and worsening. Probably this is one of the reasons, so it looks a likely situation that all Iraqis are to be rejected.

So what is the process now, these people are able to appeal to the RRT, is there some time frame on that? Are we talking another few months before we hear back from the RRT and then there may be more appeals after that?

Some of the people who have been rejected have filled in the forms for appeal, but so far none have heard back from the RRT with an appointment. The first who were rejected now more than one and a half months ago haven't heard back. And once the RRT decide a hearing date it will take a minimum of 3 months from then. So people are made to wait with more bureaucracy, and they will feel more and more uncertainty and in limbo.

continued page 7...

The Refugee Action Collective – Victoria is a volunteer organization set up in response to the inhumane and racist treatment of refugees in Australia. It comprises a broad coalition of community groups, unionists, anti-racist activists, socialists and any individual who supports the refugees' struggle for freedom.

RAC CONTACT DETAILS
Phone: 9659 3505 Email: refugeeaction@mail.com Website: www.rac-vic.org
To join the RAC announcements e-list, send a blank email to:
Racvic-subscribe@topica.com

DONATIONS :
PO Box 578, Carlton South, 3053
or Commonwealth Bank BSB: 063-262 , account no. 1025-2396

RAC MEETINGS:
All who want to help build the campaign are welcome! RAC meets each Tuesday at 6pm upstairs at Trades Hall, cnr. Lygon and Victoria Streets, Carlton.
Your involvement will make a difference!