



## Quick Links

- [Donations](#)
- [Newsletter](#)
- [Current Events](#)
- [Past Events](#)
- [Media Clippings](#)
- [Links](#)
- [Email Us](#)
- [Home](#)

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## ENOUGH IS ENOUGH:

### IT'S TIME FOR A NEW APPROACH

Joint statement by Australian non-government organisations on the first anniversary of the report of the Expert Panel on Asylum Seekers

#### Summary of Policy Principles

##### 1. Maintain Australia's position as a world leader in resettlement

- Expand [from proposed 20,000 places] to 27,000 places annually.

##### 2. Abandon offshore processing

- Cease transferring asylum seekers offshore for processing; ensure that all asylum seekers have non-discriminatory assessments however they travelled to Australia.

##### 3. Redouble efforts to rebuild cooperation on refugee protection

- Provide genuine alternatives to dangerous boat trips.
- Bring Asia-Pacific states and UNHCR together to explore how to address the most acute protection needs of asylum seekers and refugees in the region as the first step towards a comprehensive framework to protect people fleeing persecution.

##### 4. Ensure prompt access to permanent protection

- Abolish the "no advantage" policy applied to asylum seekers who arrive by boat including access to permanent protection in Australia.
- All asylum seekers arriving in Australia who are found to be refugees should immediately be granted protection visas and equal settlement support.

##### 5. Commit a sustainable model of community-based processing

Detention is cruel and expensive - process protection claims in the community.

Provide work rights and access to opportunities, services and support to ensure a decent standard of living to asylum seekers in the community.

##### 6. Maintain a timely and fair system of refugee [and humanitarian] status assessment

- Australia should comply with its international obligations.
- Stop repatriating asylum seekers before they can lodge a protection claim
- Stop arbitrarily denying protection to people from certain national

groups and stop weakening independent appeal.  
These unfair practices could result in Australia sending people back to persecution.

### **7. Provide access to timely and realistic family reunion opportunities**

- Living with their families, is the best way to ensure successful settlement in Australia.

### **8. Abandon policies which pit onshore protection against resettlement**

- This deterrence-based policy is endorsed by both major parties based on the wrong premise that applying for resettlement from overseas is the only right way for refugees to seek protection.

- Resettlement is not a substitute for also providing protection and assistance to refugees who first arrive as asylum seekers and are subsequently found to be refugees.

- Australia has ample capacity to respond to the needs of asylum seekers while maintaining a substantial resettlement program.

The full statement was issued by the Refugee Council of Australia - 64 organizations signed up in 3 days.

#### **Summary by Frances Milne AM**

*Please refer to the Refugee Council of Australia website for full statement <http://www.refugeecouncil.org.au/>*

### **Forum: Australia's Shameful Asylum Seeker Policy- Where do we go from Here?**

Held on Sunday 18 August 2013, at Balmain Uniting Church, 344 Darling Street, Balmain

Balmain for Refugees and the NSW Council for Civil Liberties organised this Forum to highlight the cruel and punitive asylum seeker policies of both the Labor and the Coalition parties in the three week run -up to the 2013 Federal Election on 7 September. The Forum asked the following questions.

*Where is our Voice in this cruelty against asylum seekers ? The election has been announced but our voices are lost among the rantings of the 2 major parties ? How many asylum seekers and refugees can Australia cope with? Will we be swamped if policies are more benign? Is it time to turn detention centres back into hostels not prisons?*

The most pernicious policies which have now evolved as both major parties strive to outdo each other to "stop the boats" were summarised as:

*If you come by boat - go straight to Manus Island !*

*If you are found not to be a refugee but cannot be returned - go straight to Nauru !*

*If you are in indefinite detention with an adverse security*

*clearance- stay there !*

Two speakers addressed the Forum.

**Greg Lake**, former Immigration Director of Regional (offshore) processing and Director of Processing on Nauru spoke out as an insider who had resigned in disgust to speak out against the cruelty and injustice within Australia's offshore and remote detention centres. These included the process of "screening out" and removing asylum seekers before they realize they are actually being interviewed and must say the magic words "I am fleeing from persecution and want protection in Australia" in order not to be on the next plane back. Yet few know they are entitled to a migration agent before they open their mouths.

Greg also described the agonising soul-searching of many staff and support personnel like the Salvation Army and Red Cross who decide whether it is better to stay and offer what solace they can or get out and speak out. Greg wryly answered the question 'where do *you* go from here' stating "I won't be applying for a public service job anytime soon".

**Stephen Blanks**, Secretary of the NSW Council for Civil Liberties and prominent human rights lawyer, addressed the issue of the unjust treatment of those refugees and their families who have been given adverse security clearances by ASIO and face indefinite detention. They do not even knowing the allegations against them.

**Stephen spoke about how the review process conducted by Margaret Stone is flawed and is providing outcomes which should not be accepted by the Australian community. The standard of procedural fairness provided by the Stone review is less than that provided to Australian citizens, and there are no remedies available if she makes a mistake. Adverse decisions are based on assessments of material which would not stand up to scrutiny in a Court, and no cogent reasons are being provided as to why the involvement in the Sri Lankan civil war should mean that a person represents a risk to security.**

The NSW Council for Civil Liberties is continuing to campaign for the rights of refugees with adverse security assessments. A communication has been made to the UN Human Rights Committee, and its findings are expected this year.

The discussion which followed included the need to constantly restate that asylum seekers are not "illegal", that there are no queues to jump between the Middle East and Australia, that Australia settles more asylum seekers and refugees than other countries (Pakistan and Iran and other poorer countries are trying to deal with the majority of asylum seekers fleeing from persecution) or that most asylum seekers might be terrorists (overseas experience shows that terrorists are home grown) etc.

There was broad agreement with the 8 principles circulated by the Refugee Council of Australia outlined in our first article in this newsletter.

The Forum was attended by 120 people.

### Stop Press: United Nations finds Australia commits 143 violations of international law by illegally detaining refugees for four years in ASIO security cases

Today the **UN Human Rights Committee** in Geneva found that Australia has committed 143 serious violations of international law by indefinitely detaining 46 refugees for four years, on the basis of their 'adverse security assessments' issued by ASIO. Australia breached its obligations under a binding treaty accepted by Australia, the *International Covenant on Civil and Political Rights* (ICCPR). Specifically the UN found:

- 46 cases of **illegal detention**, because Australia did not individually justify their detention, inform them of the specific reasons why they threatened security, did not use less invasive means of addressing any security risks, and did not afford them adequate legal safeguards;
- 46 instances where the refugees had no effective judicial remedies for illegal detention, because the Australian High Court has previously said that indefinite detention cannot be challenged;
- 46 cases of inhuman or degrading treatment in detention, because the arbitrary nature of the refugees' detention, its protracted or indefinite nature, the lack of information or procedural rights provided to the refugees, and the difficult conditions of detention, are cumulatively inflicting serious psychological harm on them.

The UN Committee has directed Australia to provide the refugees with an **effective remedy**, including **release from detention on appropriate conditions, rehabilitation and compensation**. It also asked Australia to **prevent future violations to review its migration laws**. The UN has also asked Australia to report to it within 180 days on the steps it has taken to remedy these violations of international treaty law.

This is the largest complaint ever made against Australia to the UN Human Rights Committee. The freedoms from arbitrary detention or inhuman or degrading treatment are among the most important of all human rights, after the right to life.

**These are exceptionally grave violations of international law by Australia.**

The refugees were represented pro bono by Professor Ben Saul, Professor of International Law at The University of Sydney and barrister, on instructions from the refugees and their

lawyers (including Stephen Blanks, Julian Gormly and Jo Murphy).

**Professor Saul said: "These decisions demonstrate the grave lawlessness of Australian policies on refugees. This is a major embarrassment for Australia, which is a member of the Security Council and often criticises human rights in other countries. Australia should now do the right thing by respecting its international obligations and treating people decently. Australia does not indefinitely detain dangerous Australians without charge, and it should not lock up foreigners either. Australia must release them."**

### [BASF Fund-Raising Concert on Sunday 21 July 2013](#)

[Organized by Balmain for Refugees and Balmain Uniting Church](#)

Kate Maclurcan and her sextet held a fund-raising Concert for Bridge for Asylum Seekers Foundation and Balmain for Refugees at Balmain Uniting Church. Almost 100 people attended and thoroughly enjoyed the stirring performance by Kate (vocalist on guitar) , Rob Bullen (guitar and bass), Noni Dickson (harp), Gial Leslie (glockenspiel), Kazu Milne(violin), Samantha O'Brien (flute and saxophone), and Wayne Richard (accordion and piano). Kate sang many of the songs she had recorded on her first CD, *A New Day*, produced for her 60<sup>th</sup> birthday. About \$2,500 was raised.

### [Funding received by BASF in 2013](#)

BASF received a total of \$281,711 in the 2012/3 Financial Year. Grants from private foundations, registered clubs and councils represent approximately one third of the total money received, with the remaining coming from individuals.

[The Management Committee is extremely grateful to our donors and supporters for their generosity.](#)

[With thanks to our supporters for both one-off and regular donations. The donations by committed individuals remain our most important funding source.](#)

We received a special grant from [Leichhardt Municipal Council](#) for \$15,000 to support our work to raise community awareness and funds to pursue the work of the Foundation. LMC has provided this support consistently since BASF's inception and have committed to on-going support next year. We are most grateful.

Following grant applications submitted across Sydney and Wollongong by our Management Committee, we received a total of \$77,400 from the following registered clubs via the NSW ClubGRANTS Scheme:

- Auburn RSL Club: \$16,500
- Bulldogs Leagues Club: \$11,000
- City Tattersalls Club: \$10,000
- Earlwood-Bardwell Park RSL Club: \$1,000
- Hornsby RSL Club: \$3,400
- Illawarra Catholic Club: \$5,000
- Petersham RSL Club: \$5,500
- Ramsgate RSL Memorial Club: \$1,000
- Wentworthville (Wenty) Club: \$18,000
- Western Suburbs Leagues Club (Ashfield): \$6,000

Generous grants were received from the following foundations:

- Marian and E.H.Flack Trust: \$15,000
- Munday Family Foundation: \$6,000
- Mary McKillop Foundation: \$7,260
- Macquarie Bank staff and Foundation: \$5,720

Generous grants were received from the following organisations, groups & companies:

- Blue Mountains Refugees Support Group: \$6000
- Bennelong for Refugees: \$600
- Five Dock Rotary: \$800
- Fort Street High, Amnesty Group: \$800
- Grumpy Old Sheilas: \$848
- Mickey Mouse Club, Indoor Staff Social Club, Marrickville Council: \$87.15
- NSW Teachers Credit Union: \$180
- Tali Gallery: \$1,000
- Uniting Church, Hunters Hill: \$100

*If your company has a staff-giving program as is currently operated by Macquarie Bank which matches staff donations dollar for dollar please consider making BASF your charity of choice each month.*

**We commend to you the Sydney premiere of documentary Mary Meets Mohammad at Palace Chauvel Cinema, Paddington at 6.30pm Monday November 4th followed by a Q & A session with filmmaker Heather Kirkpatrick.**

Filmed around the Pontville detention centre, Tasmania, Mary unexpectedly finds herself in regular contact with Mohammad, a 26 year old Muslim, after her knitting club donates beanies to asylum seekers in detention. Later there will be screenings twice daily from 28th November - 4th December.

Bookings online :

<http://www.palacecinemas.com.au/movies/marymeetsmohammad/>

**Honorary Chairperson**  
Virginia Walker

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## BASF Donation Form

Bridge for Asylum Seekers Foundation: PO Box 829, Five Dock NSW 2046. ABN 78 722 539 923

**Donations of \$2.00 and over are tax deductible**

Donations can be made by credit card, electronic funds transfer (eft), cheque or money order by any of the following means:

Mailing: PO Box 829, Five Dock NSW 2046

Telephoning: 0418 261 160

Emailing: [asylumseekersfoundation@bigpond.com](mailto:asylumseekersfoundation@bigpond.com)

**Payment by credit card** please provide the following details:

Donation amount: \$ \_\_\_\_\_  
Name: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email: \_\_\_\_\_  
Visa or MasterCard. Card No: \_\_\_\_\_ CCV \_\_\_\_\_  
Expiry Date: \_\_\_\_/\_\_\_\_  
Name on card: \_\_\_\_\_  
Signature (if posting printed form): \_\_\_\_\_

**EFT (direct deposit) to:** Bridge for Asylum Seekers Fndt

**BSB: 634 634**

**Account no: 100028813**

To receive a tax-deductible receipt, please email your details and the amount deposited to: [asylumseekersfoundation@bigpond.com](mailto:asylumseekersfoundation@bigpond.com)