PARISH PATIENCE IMMIGRATION LAWYERS

Australian Immigration Law Update No. 76, August 2009

Immigration

Education services for overseas students is the main topic in this issue together with measures for changes and conditions for students. It also includes a section on recent Philippine news.

Kamal decision – English language requirements for student visa applications

Minister for Immigration and Citizenship v Kamal [2009] FCAFC 98 (21 August 2009)

As of 21 August 2009 Student visa applicants may be eligible for visa grant if they sit an IELTS test and receive the requisite score after date of application but before date of decision. English language proficiency test results included with a Student visa application must not be older than two years before the application lodgement date. Student visa applications finalised before 21 August 2009 are not affected by the changed interpretation of the Regulations. DIAC released the following statement:

"Prior to 21 August 2009, interpretation of Schedule 5A of the English proficiency provisions with the *Migration Regulations 1994* required that English Language test results be submitted with Student visa applications and that the test must have been sat no more than two years before the application was made. An English language test sat more than two years before the visa application, or sat after the visa application, did not meet Schedule 5A requirements.

In a unanimous decision of the Full Federal Court of Australia, dated 21 August 2009, the Court concluded the only limitation on when an IELTS test can be taken … is that it must be taken no earlier than two years before the date of application. That is, the provisions of "taken less than two years before the date of application" do not prevent a visa applicant from relying on the results of an IELTS test taken after the date of the visa application."

At issue was the period in which student visa applicants must sit a successful IELTS test. The Court noted that the phrase "taken less than two years before the date of application" was intended to ensure the recency or currency of an IELTS test result so that decision makers could be satisfied of the language proficiency of student visa applicants.

In the case that was appealed and lost by the Minister, the client did not achieve the necessary IELTS test scores until after he had lodged an application for MRT review of the Department's Student visa refusal decision.

The Department will provide relevant changes to the online Form 157A and is in the process of changing the paper Form 157A to delete reference to the requirement to have sat an English test prior to lodging an application and attaching an English test result.

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David Bitel was the solicitor for Mr Kamal in this very important case. For further information contact him.

New s499 Directions – Processing Priorities

New Ministerial Policy Direction Nos. 43 and 44 made under Section 499 of the *Migration Act 1958* were signed by the Minister in July and came into effect on 15 August 2009.

Direction No. 43 directs delegates in relation to the order for considering and disposing of visa applications under the Family Stream. The Family Stream includes Partner, Child, Parent and Other family categories which were covered in our July issue. The order of precedence for all Family Stream visa applications is:

1. the highest priority is to provide for the reunion in Australia of the immediate family, being spouses, de facto partners (including persons in an interdependent relationship), dependent children, including a child for adoption and orphan relatives, and fiancé(e)s of sponsors in Australia; then
2. carer visa applicants; then
3. other visa applicants, such as parents, aged dependent relatives and remaining relatives.

Notwithstanding the order of precedence, delegates must take into account when considering Family Stream visa applications, any special circumstances of a compelling or compassionate nature.

Direction No. 44 directs delegates in relation to the order for considering and disposing of visa applications under the Migration (non-Humanitarian) Program. The order of precedence for such visa applications is:

1. those applications where the Minister has exercised powers of intervention under sections 351 and 417 of the Act in the order that those powers have been exercised; then
2. those applications that have been remitted following successful review through the merits review tribunal or the courts; then
3. all other applications in queue date order, commencing with the application with the earliest queue date, to the extent that it is reasonably practicable to assess those applications in that order.

In determining the queue date for an application, delegates should also have regard to any delay that the delegate is satisfied is unreasonable, based on administrative delays in processing the application, and whether the queue date should be backdated because of that unreasonable delay.

What to do in case of closure of education provider

The Department of Immigration and Citizenship (DIAC) has been advised that there have been a number of recent decisions which have resulted in an Education Provider's approval to provide certain courses to overseas students being removed from the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). As a result the Education Provider may cease operation.

Students may be concerned about their visa status in these situations and the department appreciates that this situation is beyond the student's control. This

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information outlines special departmental arrangements that gives students adequate opportunity to study elsewhere on their student visa if they wish to do so.

For information about a student's right to a refund of course fees or placement in an alternative course go to the Department of Education, Employment and Workplace Relations (DEEWR) website.

Students engaged in studies when the provider's registration for that course was removed who are over the age of 18, have extra time to demonstrate enrolment in an alternative course. They must obtain a Letter of Offer or a Confirmation of Enrolment for alternative studies within **three months** of the date the course was deregistered or cancelled.

Students under the age of 18 whose Education Provider was responsible for welfare arrangements in Australia will need to seek alternative enrolment immediately. Their parents or authorised representative must contact an immigration office as soon as possible to discuss their visa options.

Students not actively studying with the Education Provider at the time the provider ceased teaching their course and who have not yet commenced studies elsewhere, should contact the nearest immigration office as soon as possible.

Students who intend to apply for General Skilled Migration and who were studying a vocational education or training (VET) course with the Education Provider and intended to apply for permanent residency, need to know if they meet the Australian study requirement of completing a Commonwealth Register for Institutions and Courses for Overseas Students (CRICOS) registered course for the purposes of General Skilled Migration.

The General Skilled Migration Pre-Lodgement Enquiry Form is available at: http://www.immi.gov.au/contacts/forms/gsm/pre.htm

See:
http://www.immi.gov.au/students/education-providers-approval.htm
or contact David Bitel or Diana Tong for further information.

Blitz on foreign students to screen out visa fraud

Indian students are amongst others who will face greater screening as the Government cracks down on visa fraud and scrutinises the ability of students to finance life in Australia. The changes, announced recently by the Immigration Minister, Chris Evans, also apply to students from Mauritius, Nepal, Brazil, Zimbabwe and Pakistan. They will take effect immediately. Students from target countries face more stringent interviews and curbed access to visa applications online.

Applications for student visas soared in the past year. They grew by 20 per cent to more than 362,000 in the year to June 30. Of those, 28,000 were rejected.

"The message is clear," Senator Evans said. "Genuine international students remain welcome in Australia but we will not tolerate fraud in the student visa program." Applicants deemed at risk of cheating the system will also be called in for interviews to determine their legitimate intention to study. The one-off dumping of cash in a bank account or enrolment in lesser-known institutions are among the triggers understood to invite extra scrutiny by immigration officials.

Online visa applications would be restricted and migration agents shown to have abused the "eVisa" system with false documents would be blocked.

Anti-terrorism laws

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Right to survive

Similar tough rules already apply to Australia's largest student market, China, and those from selected other countries including Bangladesh.

http://www.brisbanetimes.com.au/national/blitz-on-foreign-students-to-screen-out-visa-fraud-20090821-esb6.html

India losing interest in our universities

Australia's elite universities are set to pay a high price for the Indian student crisis as middle-class parents, concerned for their children's safety, reportedly opt for degree courses in Britain, New Zealand, the United States and Canada.

Several months of media reports about attacks on young Indians and allegations of rampant racism in Australian suburbs are having a serious impact, Indian education agents say. Since the controversy began, they say inquiries by students wanting to study at Australia's top tertiary institutions have halved. Much of the negative publicity has centred on students attending private vocational training colleges rather than big universities.

http://www.smh.com.au/national/india-is-losing-interest-in-our-universities-say-agents-20090730-e32w.html

Action plan for student safety

Universities Australia has adopted a Ten Point Action Plan for student safety from recommendations developed by the Deputy and Pro Vice-Chancellors (International) from Australian universities. The plan emphasises strong law enforcement plus necessary complementary actions.

http://www.universitiesaustralia.edu.au/news/media_releases/2009/uniaus_media_09_09.htm.

Scam migration agent sentenced

The sentencing of an unregistered migration agent in Adelaide serves as a warning to illegal operators that the risks are high and they would be caught, a Department of Immigration and Citizenship (DIAC) spokesman said.

Harry Alevizos of Clearview pleaded guilty in the Adelaide Magistrates Court to a large number of offences under state and federal legislation which involved him falsely taking money to represent people in migration matters when he was not a registered agent. The DIAC spokesman said that people should be wary of unregistered migration agents. As migration decisions are life-changing and involve considerable financial and emotional investments on behalf of prospective migrants, it is important they have confidence in the professionalism and integrity of their migration agent.

http://www.newsroom.immi.gov.au/media_releases/741

UNHCR report on asylum seekers

Minister for Immigration and Citizenship Senator Evans said a UNHCR report confirms that the increase in people seeking asylum in Australia is part of a worldwide trend driven by insecurity, persecution and conflict. The UNHCR report shows that asylum claims increased worldwide by 28 per cent in 2008, with a

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dramatic escalation in the number of asylum seekers lodging claims in South Africa.

http://www.minister.immi.gov.au/media/media-releases/2009/ce09054.htm

Overseas workers to supplement not replace local work force

Minister for Immigration Senator Evans said a range of measures introduced in consultation with industry and unions will ensure temporary skilled overseas workers on Subclass 457 visas are not employed ahead of local workers or used to undermine Australian wages and conditions. "Where there are demonstrated skills shortages, the temporary skilled migration (457 visa) program provides the capacity for employers to access skilled overseas workers to supplement the local workforce."

http://www.minister.immi.gov.au/media/media-releases/2009/ce09068.htm

Human Rights

National poll shows support for new anti-discrimination laws

Human Rights Commissioner, Graeme Innes, today welcomed the results of a new national poll that found Australians support the introduction of laws that would prohibit discrimination against people on the grounds of sexual orientation and gender identity.

http://www.humanrights.gov.au/about/media/media_releases/2009/57_09.html

Thank you, Gareth Evans

Former long serving Australian Foreign Minister Gareth Evans has served with distinction as the President and CEO of the International Crisis Group since January 2000. He was thanked by Co-Chair Chris Patten for his outstanding service: "He took a small organisation analysing some 12 conflicts with 25 staff and a budget of two million dollars, and he transformed it into the pre-eminent international NGO in conflict prevention and resolution, examining some 60 conflicts worldwide with 130 staff and a budget of over 15 million."

He returned to Australia in July, from which home base he will be primarily engaged in his new role as Co-Chair of the International Commission on Nuclear Non-Proliferation and Disarmament, a joint global initiative of the Australian and Japanese governments.

Visit Crisis Group's website: http://www.crisisgroup.org

Further measures to improve disability rights

The Attorney-General has signed a declaration under the Human Rights and Equal Opportunity Act 1986 to enable the Australian Human Rights Commission to conciliate complaints based on breaches of the Convention on the Rights of Persons with Disabilities.

http://www.attorneygeneral.gov.au/www/ministers/RobertMc.nsf/Page/MediaReleases_2009_SecondQuarter_25June2009-FurtherMeasurestoImproveDisabilityRights

Australia accedes to Disabilities Convention Optional Protocol

Attorney-General Robert McClelland recently announced that Australia will accede to the Optional Protocol on the United Nations Convention on the Rights of Persons with Disabilities. The Protocol

provides a mechanism for Australians to make complaints to the United Nations Disabilities Committee in the event that all domestic remedies have been exhausted.

“This demonstrates the Government’s real commitment to people with a disability as well as demonstrating our serious commitment to leadership in this area at an international level,” Mr McClelland said.

This action follows the Rudd Government’s ratification of the Convention in July 2008, making it one of the first Western countries to do so. In addition, the Attorney-General recently declared the Convention under the Human Rights and Equal Opportunity Act 1986 to enable the Australian Human Rights Commission to conciliate complaints based on breaches of the Convention.

http://www.attorneygeneral.gov.au/www/ministers/RobertMc.nsf/Page/MediaReleases_2009_ThirdQuarter_30July2009-AustraliaAccedestotheDisabilitiesConventionOptionalProtocol

Australian Human Rights Act

The Australian Human Rights Commission has lodged its submission to the National Human Rights Consultation, formalising its key recommendation that the Australian Parliament should enact a national Human Rights Act. President Branson said a Human Rights Act would work to prevent human rights problems before they occur.

http://www.humanrights.gov.au/about/media/media_releases/2009/48_09.html

Hidden age discrimination problem

Commissioner for Age Discrimination, Elizabeth Broderick, expressed deep concern recently in response to the National Seniors Australia *Experience Works* report, which makes it clear that mature age workers face a multitude of barriers to employment, including age discrimination. Commissioner Broderick said the report highlighted the need for the Australian Government to recognise age discrimination as a significant barrier to mature age employment in this country.

She also emphasised the fact that age discrimination is likely to touch the lives of most people earlier than they think, because the official age at which a person is considered to be a mature age worker is 45.

http://www.humanrights.gov.au/about/media/media_releases/2009/65_09.html and http://www.humanrights.gov.au/about/media/media_releases/2009/69_09.html

$15 million to support older people

The Minister for Ageing Justine Elliot announced more than $15.6 million to fund 77 projects to help older culturally and linguistically diverse people access aged care services. Providing information about culturally appropriate care is essential in improving access to care and ensuring their healthy and positive ageing.

http://www.health.gov.au/internet/ministers/publishing.nsf/Content/mr-yr09-je-je094.htm

25th Anniversary of the Sex Discrimination Act

Minister for the Status of Women Tanya Plibersek welcomed the 25th Anniversary of the Sex Discrimination Act 1984 coming into force. The 25th anniversary of the Sex Discrimination Act

provides all Australians with the opportunity to celebrate the progress made in advancing gender equality and the role of women in our society.

http://www.attorneygeneral.gov.au/www/ministers/RobertMc.nsf/Page/MediaReleases_2009_ThirdQuarter_1August2009-25thAnniversaryoftheSexDiscriminationAct

Lack of female talent at the top

Following release of the *Diversity on Boards of Directors* report recently, Sex Discrimination Commissioner, Elizabeth Broderick, said she is concerned a number of the suggestions in the report have already been tried, and have failed to deliver a better gender mix on Boards.

"I cannot say this often enough - there is a serious leakage of female talent in this country and, without frank discussion and significant intervention - by government and by business - the number of women progressing in the workplace will shrink even further," the Commissioner said.

The report noted the decline in the number of female directors of ASX top 200 companies from 8.7 percent in 2006 to 8.3 percent in 2008, and senior line management roles held by women from 7.4 percent in 2006 to only 5.9 percent today.

http://www.humanrights.gov.au/about/media/media_releases/2009/75_09.html

Review of anti-terrorism laws welcome

Amnesty International Australia recently welcomed the Federal Government's review of counter-terrorism laws. The organisation said that it acknowledges the fundamental duty of all governments to protect the safety of their citizens, but believes that this should never come at the cost of human rights and the rule of law.

In particular, Amnesty International expressed concern about detention without charge, certain vaguely-worded terrorism offences that carry significant penalties, and the undermining of longstanding protections in our criminal justice system such as the presumption of innocence and the right to silence.

http://www.amnesty.org.au/news/comments/21541/

Education

International Student Taskforce

The Hon Julia Gillard MP, Deputy Prime Minister, has announced the establishment of an International Student Taskforce within the Department of Education, Employment and Workplace Relations (DEEWR).

The International Student Taskforce will develop strategies to support the wellbeing of overseas students. It will also work with the taskforce established by the Prime Minister to address crimes against international students.

http://aei.gov.au/AEI/MIP/eNewsletter/NewsletterTwoColumns?Edition=027&Year=2009

Review of education industry

An overhaul of the $15.5 billion international education industry has also been announced by the Federal Government after months of turmoil including violent attacks against students and allegations of corruption. The Minister for Education, Julia Gillard, has appointed Bruce Baird as the man to rescue the industry by leading a review into its future, including laws governing student visas. Mr

Baird is the chairman of the advisory committee for the International College of Management at Manly, which has 1000 international students.

Ms Gillard said the review of the laws and regulations governing the industry had been brought forward from 2010, amid concerns over student welfare and the quality of courses. "The Government believes it is important to ensure that we maintain and enhance our hard-won international reputation as a premium destination for international students," she said.

http://www.smh.com.au/national/liberal-to-lead-review-of-education-industry-20090807-ecyz.html

The Migration Institute of Australia (MIA) of which organisation we are members, has made a submission to this inquiry which can be located on their website http://mia.org.au

ESOS Amendment Bill

On 19 August the Minister for Education, the Hon Julia Gillard, introduced the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009.

A summary of the amendments are listed below:

- Re-registration of all institutions currently registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) by 31 December 2010.
- Two new registration requirements for education providers:
  - the principal purpose of the provider is to provide education; and
  - the provider has demonstrated capacity to provide education of a satisfactory standard.
- Providers to be required to list the names of education agents who represent them and promote their education services and to require providers to comply with any matters prescribed in the regulations concerning their agents.
- Discretionary removal of the prohibition on education providers collecting monies from studying students when a course has been suspended.
- Conditions imposed by states and territories on education providers to be recognised by the Commonwealth.
- Exemptions from punitive provider default refund requirements for providers changing their legal entity.
- Clarify the definition of “suitable alternative course”.

The amendments are the first in a series of measures the Government is taking to ensure Australia continues to offer world class quality international education in this challenging and changing environment.

For further information see:
http://www.aei.gov.au/AEI/ESOS/Default.htm

Making the education revolution accessible for everyone

The Building Education Revolution (BER) program is providing infrastructure funding to more than 9,000 schools throughout Australia over the next three years, providing education service providers with an opportunity to improve access for all students, staff and parents who have a disability.

http://www.deewr.gov.au/Schooling/BuildingTheEducationRevolution

Foreign Affairs

Economic crisis in the Pacific Islands region

In a recent speech Parliamentary Secretary for International Development Assistance Bob McMullan discussed how the global recession is affecting Pacific economies and the role of aid in responding to the recession. McMullan said the impact of the global recession in the Pacific has been mixed. The report *Tracking Development and Governance in the Pacific* sets out a compelling case for change for a combined effort by Pacific islands countries and development partners to improve coordination of total resources and ensure better development outcomes for the people of the Pacific region.

http://www.ausaid.gov.au/media/release.cfm?BC=Speech&ID=1290_2635_928_9215_1890

Calling the community to action

Parliamentary Secretary Bob McMullan also announced a new project enlisting the support of the Australian community in the fight against global poverty. The Community Call to Action will provide up to $1.5 million in small and medium grants to community organisations wanting to help raise awareness of global poverty and the United Nations' Millennium Development Goals (MDGs) within their communities. Community Call to Action will support the global push to halve extreme poverty by 2015, he said.

http://www.ausaid.gov.au/media/release.cfm?BC=Latest&ID=3881_9887_4050_2751_9296

Urgent need to invest in childhood and maternal health

The global economic crisis is putting the health of women and children in the Asia-Pacific region at greater risk, Parliamentary Secretary for International Development Assistance Bob McMullan, said recently. "Engaging donors and partner organisations to invest in maternal and child health is crucial now more than ever," Mr McMullan said. Australia is spending at least A$250 million over the next four years to improve women's and children's health in the Asia-Pacific region and strengthen national health systems.

http://www.ausaid.gov.au/media/release.cfm?BC=Latest&ID=8735_8733_2503_5010_9079

Most vulnerable have a right to survive

Oxfam's new report The Right to Survive raises important issues about the vulnerability of the most poor to climate change. Australia is assisting vulnerable communities in the Asia-Pacific region to enhance their resilience to climate change impacts. The Government has committed $150 million through its International Adaptation to Climate Change Initiative to meet high priority climate adaptation needs in vulnerable countries in our region.

http://www.ausaid.gov.au/media/release.cfm?BC=Latest&ID=7772_5066_2647_1243_6878

Assistance to Taiwan

Australia will donate $200,000 in emergency supplies to assist people on Taiwan devastated by Typhoon Morakot. Taiwan has requested assistance with sanitation supplies to combat water borne diseases caused by flooding. China Airlines will transport the supplies without charge to Taiwan for distribution to affected communities.

http://www.ausaid.gov.au/media/release.cfm?BC=Latest&ID=5519_9242_1339_229_7459

Multicultural Affairs

Reaching out in harmony

India's Oscar-winning pop icon, the *Slumdog Millionaire* composer A.R. Rahman, wants to counter recent attacks on Indian students in Sydney and Melbourne with a free concert during the Sydney Festival in January.

Rahman said he hoped to deepen the connection between India and Australia. "I hope it will do what ever it can to reunite culturally and spiritually," he said. Festival organisers said Rahman suggested a free concert as a demonstration of cultural diplomacy and a gesture of goodwill. It will be held at Parramatta Park on Saturday, January 16. He hopes the concert will help break down cultural misunderstandings and boost the morale of tens of thousands of Indians studying in Australia.

http://www.smh.com.au/articles/2009/08/10/1249756256655.html

Pathway to a brighter future

Ten young refugee students from the war-torn countries of Iraq, Sudan and Burma have been provided with a pathway to a brighter future, thanks to an innovative new program targeting disconnected refugee youth by Centrelink's Multicultural Services.

The eight-week TAFE course is designed to equip the students with the necessary vocational, educational and practical employment skills needed in the future to be competitive in a tough jobs market. What this program has done for these graduates is give them the tools and the confidence needed to complete the program successfully.

http://www.centrelink.gov.au/internet/internet.nsf/news_room/09nsw_refugee_graduates.htm

Promoting diversity

The study on workplace discrimination recently released by the Australian National University has highlighted the need for employers to be aware of the importance of workplace diversity. Particularly in this current climate, reinforcing the economic and social advantages of diversity in the workplace is critical and all workplaces should recognise the benefits of a multicultural Australia.

http://www.minister.immi.gov.au/parlsec/media/media-releases/2009/lf09034.htm

African Australians project

The Australian Human Rights Commission has extended the deadline for its national consultation with African Australians by one month. The Commission launched a discussion paper, African Australians: A report on human rights and social inclusion issues, and aimed to build a national picture of the experiences of African Australians in the areas of employment and training, education, health, housing and justice.

http://www.humanrights.gov.au/about/media/media_releases/2009/54_09.html

Recent Filipino News

On his recent visit to the Philippines, Mr Bitel came across the following news items which may be of interest to our Filipino readers:

Human rights panel hails okay of ASEAN rights body

The Commission on Human Rights (CHR) lauded foreign ministers of the Association of Southeast Asian Nations (ASEAN) members for agreeing to the terms of reference (TOR) for the establishment of the ASEAN Intergovernmental Commission on Human Rights (AICHR). This body has an explicit mandate to protect and promote human rights and will be launched in October. The CHR said it calls on the Philippine government "to appoint an independent-minded representative with an extensive human rights experience and expertise, and who can act with impartiality and integrity."

Manila Bulletin, August 16, 2009, p. 3

Philippine fiesta set in Sydney

The 21st Grand Philippine Sydney Fiesta Kultura is to be held on October 18. The Fiesta is one of the largest community festivals in Australia, attracting up to 40,000 people, and has been described as the biggest gathering of Filipinos at an event outside the Philippine. It will include a trade and tourism expo, a food extravaganza featuring Philippine cuisine, and a cultural display showcasing the Philippine artistic heritage. Our Mr Bitel will be one of the Beauty Pageant judges this year.

Manila Bulletin, August 16, 2009, p. G-25

Dinner Hosts

President Arroyo's visit to the United States continues to attract belated attention in the American media. This time it's the *Washington Post* reporting that before the $20,000 French dinner in Manhattan, which landed in the gossip section of the *New York Post*, there was a $15,000 steak-and-lobster dinner in Washington, or about P720,806 at yesterday's official exchange rate. Divided among 65 diners, that comes up to over $230.76 per head for one meal, or P11,062.63.

In a brief article with the heading "Heartburn Over Two Big Meals", the *Washington Post* reported that President Arroyo "and an entourage of about 65 people (including security and food tasters) had dinner at Bobby Van's Steakhouse on 15th Street NW hours after she met with President Obama. The group took over one of the restaurant's private rooms and dined on lobster, steak and fine wines; at the conclusion of the meal, an unidentified woman opened a handbag stuffed with cash, counted out bills and paid the $15,000 tab – which included a generous tip."

The Philippine Star, August 14, 2009, p. 14

Filipino elected in UN body

Dr Purificacion Valera-Quisumbing, who served under the administration of the late President Corazon Aquino, has been elected as Vice President of the United Nations (UN) Human Rights Council Advisory Committee. "It is an honour for me to accept this important position. [Cory Aquino] was a symbol of our national quest for justice and freedom, and we must remain true to her spirit and reverence for human rights," Quisumbing said.

Manila Bulletin, August 14, 2009

Humanitarian to receive Pearl Buck award

A Jolo-born entrepreneur/humanitarian is the 2009 Pearl S Buck International Woman of the Year, the third Filipina to receive the prestigious award. Rosalind Wee, a food ingredients formulator cum socio-economic advocate, will be presented the same award earlier given to former President Corazon Aquino in 1995 and Amelia Gordon in 2002. Wee also joins the ranks of iconic women Hillary Clinton, Laura Bush, Toni Morrison, Aung Sang Suu Kyi and Audrey Hepburn who have been recipients of the award.

The Philippine Star, August 16, 2009, p. 6

Don't demolish mosque

A Catholic archbishop yesterday warned government against pushing through with plans to demolish a mosque to pave the way for the construction of a casino. "Considering the anger and disgust of many Filipino Christians towards the ruling administration, the last thing it needs is the ire and hatred of Filipino Muslims," Lingayen-Dagupan Archbishop Oscar Cruz said.

He likened the plan to demolish the Grand Mosque in Pasay City to a ticking bomb because it involves sensitive religious, cultural and social issues.

Manila Bulletin, August 14, 2009, p. 7

Death of Arnel de Guzman

Human rights and migrant workers' advocate Arnel de Guzman lost his fight with Thalassemia, a rare genetic blood disorder, on August 8, 2009 at the UERMMC in Manila.

Arnel was a graduate of the University of the Philippines, Diliman, who co-founded the Friends of Filipino Migrant Workers (Kaibigan) in 1981. He headed the Ecumenical Movement for Justice and Peace (EMJP) and coordinated the Philippine Alliance of Human Rights Advocates (PAHRA).

He served as National Anti-Poverty Commissioner representing the labour sector in 1999. He later steered the Access to Justice Project of the United Nations Development Programme in the Supreme Court.

Manila Bulletin, August 14, 2009

Global downturn hits Asia's foreign workers

When Anita Gimmi was unable to find work in her native Nepal last year, she borrowed $1,300 and travelled to Qatar to take up a two-year contract with a cleaning company there. Less than a year later, the 26-year-old has been forced to return home still heavily in debt after becoming one of thousands of foreign workers to be laid off as the economic downturn hits Southeast Asia and the Middle East.

Millions of families in poor Asian countries rely on remittances from relatives working in unskilled jobs such as construction or as domestic servants in Southeast Asia and the Middle East.

Many Asian countries including Nepal, Bangladesh, the Philippines and Pakistan have registered increases in foreign remittances this year. The central bank of the Philippines – fourth-largest recipient of overseas remittances in the developing world after India, China and Mexico – said such payments reached a record $1.48 billion in May. But experts say this may reflect a growing number of workers returning home for good, bringing their savings and severance packages with them. "Such a phenomenon would lead to a sharp reduction in remittances in the following months," said the World Bank in a recent report on the Philippines.

The Philippine Star, August 10, 2009, p. B-10

Mandatory legal aid service deferred

The Supreme Court (SC) has deferred the implementation of the Rule on Mandatory Legal Aid Service from July 1, 2009 to January 1, 2010. The Rule will take effect next year provided its implementing regulations are published prior to the said date. In a resolution by all justices, the High Court directed the Integrated Bar of the Philippines' (IBP) Board of Governors to finalise and submit the draft implementing regulations for the final approval of the High Court as soon as possible.

Under the Rule, every practising lawyer will be mandated to render a minimum of 60 hours of free legal aid services to indigent litigants yearly, among others.

The Philippine Star, August 9, 2009, p. 12

Death of President Corazon C Aquino

Major media attention of course focused on the late President Corazon C Aquino who died on 1 August. Lauded as the Mother of Democracy for her role in igniting the "People Power" Revolution which lead to the overthrow of the Marcos dictatorship in 1986, she survived numerous coup attempts to return the country to democratic civilian rule. This popular uprising sparked others around the world, most significantly throughout Eastern Europe. However, more reflective commentators noted her administration failed to resolve the fundamental structural problems which continue to beset Philippine society, which was discussed in the seminal International Commission of Jurists report of 1991 co-authored by our David Bitel entitled: "The Failed Promise: Human Rights in the Philippines since the Revolution of 1986".

Diary Dates

Seminar: *Our Prisons – Human Rights, Mental Health & Privatisation*

When: Saturday 5 September 2009
Where: State Library of NSW, Sydney

The major seminar on the need for prison reform was co-sponsored by the International Commission of Jurists Australia and the Community Justice Coalition.

http://www.icj-aust.org.au/

Refugee and Migrant Sunday

The Jesuit Refugee Service reminds us that Refugee and Migrant Sunday was celebrated on 30 August 2009. The event is held annually to celebrate the contribution refugees make to Australian society.

Quote of the month

Most folk

are about as happy

as they make up

their minds to be.

Abraham Lincoln

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