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### **Beware – Immigration Scams**

SCAMwatch and the Department of Immigration and Citizenship are warning people who have migrated to Australia or are currently temporary visa holders to be cautious of immigration-related scams. These scams come in all sorts of guises, and often play on the victim’s fear of being deported.

One such scam doing the rounds involves visa holders receiving calls out of the blue from someone pretending to be from an Australian government agency or department, and claiming that there is a problem with their “Citizenship and Immigration Services Alien” (CISA) number or card. The scammer will demand that the person pay an upfront fee – usually around \$900 – or risk deportation.

The Department of Immigration and Citizenship warns that the “CISA” number is bogus and does not exist. You should also not be fooled if the scammer has your personal information handy such as birth date and nationality; these days, this sort of information can be gained from a variety of sources such as social networking forums.

The Australian Government will never call you to demand a payment in relation to your visa to avoid being deported – if you receive such a call, just hang up.

You should report such incidents to the relevant State or Territory police and to the Immigration Dob-In Line on 1800 009 623.

You can report a scam, to the ACCC via the report a scam page on SCAMwatch or by calling 1300 795 995.

Stay one step ahead of scammers, follow @SCAMwatch\_gov on Twitter or visit [http://twitter.com/SCAMwatch\\_gov](http://twitter.com/SCAMwatch_gov).

<http://www.scamwatch.gov.au>

### **Subclass 457 – retrospective changes**

Mr David Wilden, A/g First Assistant Secretary, Migration and Visa Policy Division, DIAC has written the following to Migration Institute of Australia National President Angela Chan:

“The Minister has decided to implement a transitional arrangement for this cohort of applicants to ensure that they are not disadvantaged or inconvenienced by the changes. Under this arrangement applicants who lodged a Subclass 457 visa application prior to 1 July 2013 and who were exempt from the English language requirement at that time on the basis of their nominated occupation will continue to be exempt at the time of decision. Additional to this, the Minister has decided that the English language requirement for the Subclass 457 caseload will continue to be a time of decision requirement. In effect this means that the requirement under the vocational English definition that the applicant must have undertaken the test in the 3 years immediately before the day on which the application was made will not apply to Subclass 457 applications.”

Changes to the English language requirement also removed an exemption that had previously applied to applicants nominated in all occupations other than head chef, chef and trade occupations.

[Migration Institute of Australia Notice issue 2013.70 – 26 July 2013](#)

### **Egypt, Algeria, Libya, Morocco, Sudan and Tunisia added to online Visitor visa applications list from 28 July 2013**

Legislative Instrument IMMI 13/100 [F2013LO1428] Migration Regulations 1994 – Specification under 1236(1)(a)(ii), 1236(1)(b)(ii) and (c)(ii) – Classes of Persons – July 2013 specifies classes of persons who are eligible to make an application for a Subclass 600 (Visitor) visa in the Tourist, Sponsored Family or Business visitor stream.

[Migration Institute of Australia Notice issue 2013.70 – 26 July 2013](#)

### **Croatia added to eVisitor eligible passports from 26 July 2013**

Following Croatia joining the European Union on 1 July 2013, it has been added to the list of eVisitor eligible passports, where the passport indicates that the applicant is a national of Croatia.

[Migration Institute of Australia Notice issue 2013.70 – 26 July 2013](#)

## **Sri Lankans face return to Colombo or transfer to PNG**

A group of 68 Sri Lankans who recently arrived at Cocos (Keeling) Islands is now on Christmas Island about to begin enhanced screening processes.

They face the same assessment process that unauthorised maritime arrivals (UMAs) of Sri Lankan background have since last year when the Department of Immigration and Citizenship (DIAC) took steps to stem a significant upsurge in boat arrivals from Sri Lanka.

"Those who are screened out will be returned to Colombo as soon as possible, often within days," a DIAC spokesman said. "If any of the group is screened in, they will not come to Australia for assessment; they will be among the first Sri Lankan boat arrivals sent to Papua New Guinea for processing.

"If they are entitled to asylum, they will not be able to settle in Australia; they will be settled in PNG."

Under new rules announced on July 19, anyone – including a person from Sri Lanka – who arrives in Australia by boat without a visa no longer has the chance to settle in Australia.

The Prime Ministers of Australia and Papua New Guinea signed the new agreement, meaning all people arriving by boat without a visa from July 19 will be sent to Papua New Guinea, where their claims will be assessed.

"The message this agreement sends is clear: the dangerous boat journey is not worth it and you will never settle in Australia," the spokesman said. Almost 1300 Sri Lankans have been sent home since August 2012 – nearly 1100 of them involuntarily. "This is making it clear that those who pay smugglers are throwing their money away and risking their lives in the process."

<http://www.newsroom.immi.gov.au/releases/sri-lankans-face-return-to-colombo-or-transfer-to-png>

## **Queensland government wants more skilled migrants**

Queensland has seen a 40 per cent rise in the number of skilled-migrant nominations since April. Treasurer Tim Nicholls is in southern China pushing for more business and skilled migrants to come.

Mr Nicholls has been in Guangdong, as part of a fortnight-long trade mission through Asia, spruiking his state's new criteria for skilled and business migrants, which he says reduces hurdles for aspirant migrants. He says Queensland has also nominated the second ever significant investment visa (SIV) in Australia.

Mr Nicholls said in a statement recently, "A Chinese company received approval under the SIV program to invest in a \$180 million housing estate. Last financial year, we saw an estimated \$4.6 billion in foreign direct investment from China, a significant increase on previous years."

<http://www.news.com.au/breaking-news/national/qld-govt-wants-more-skilled-migrants/story-e6frfku9-1226684932093>

## **Electronic visa for Papua New Guinea visitors**

Joint media release with The Hon Tony Burke MP - Australian Minister for Immigration, Multicultural Affairs and Citizenship and The Hon Rimbink Pato LLB OBE MP - PNG Minister for Foreign Affairs and Immigration.

Papua New Guinea visitors to Australia will now enjoy new online visa lodgement arrangements. The new arrangements would improve services to visa applicants.

"The goal is to ensure we can offer greater convenience to PNG nationals seeking to visit Australia for tourism or business visits, and also to make things simpler for those applicants who have been fully compliant when they have previously been granted a visa," Mr Burke said.

"The PNG online visitor initiative recognises the uniquely close historical ties between our two countries and Australia's desire to offer as much as we can to our nearest neighbour."

PNG's Minister for Foreign Affairs and Immigration, Rimbink Pato said the process was now simplified.

The PNG online visitor initiative will mean visitor visa applicants may apply online from their home or office, or alternatively authorise a third party agent to lodge an application on their behalf.

Other key features of the PNG online visitor initiative include:

- multiple year and multiple entry visitor visas can be granted to those PNG applicants who have a need to travel regularly to Australia and who have previously demonstrated compliance with Australia's visa requirements
- recognition that family members may demonstrate the financial capability to support a visa applicant's visit and stay in Australia, and noting the unique and culturally significant 'wantok' system of family support in PNG
- visitor visa applications will be assessed and finalised within a 10-day service standard where applicants have lodged a complete application and relevant supporting documents.

"As a close neighbour and friend to Australia, the PNG Government will continue to engage with the Australian Government to identify further streamlining measures," Mr Pato added.

<http://www.minister.immi.gov.au/media/tb/2013/tb205231.htm>

## **PNG signs formal agreement on asylum seekers**

The PNG Government has signed a memorandum of understanding with Australia formalising the plan to send asylum seekers to Manus Island.

The Australian Immigration Minister watched on as PNG's Foreign Minister Rimbink Pato signed the document at a small ceremony in Port Moresby.

Australia's High Commissioner to PNG Deborah Stokes had already signed the Australian Government's copy before it went into caretaker mode.

The memorandum of understanding formalises the deal struck between prime ministers Kevin Rudd and Peter O'Neill last month to send an increased number of asylum seekers to PNG for processing.

<http://www.abc.net.au/news/2013-08-06/an-auspng-asylum-deal/4869128>

## **Drop-off in boat arrivals**

Immigration Minister Tony Burke said tough policies preventing settlement in Australia appear to be deterring asylum seekers, with signs of boat arrivals tapering off and reports of people demanding refunds from people smugglers.

A senior Defence source said that arrivals appeared to be tapering off since Prime Minister Kevin Rudd announced his hardline solution of sending asylum seekers to Papua New Guinea. The highly placed source noted that poor weather was also a factor but was unlikely to account for the extent of the downturn.

The news of a slowing of arrivals comes as the Department of Immigration and Citizenship says via Twitter that another group of asylum seekers, the fourth, has been transferred to Manus Island, bringing to 158 the total number of people taken to detention in PNG since the hardline stance was announced.

One asylum seeker in Indonesia told Fairfax Media that people smugglers could now find "hardly any" people willing to board their boats.

Iranian asylum seeker Bizhan Jahangir reported that people smugglers operating out of Indonesia were already feeling the pinch.

"I know some smugglers here, and they want to find customers, [but] there are no customers now," he said. "They can find hardly any customers, refugees, to go in this situation."

It is not only Australia's new policy that is having an impact on the flow of refugees passing through Indonesia. It seems visa restrictions are making it harder for Iranian refugees, at least, to use the country as a staging post on their route to Australia.

"Iranians are finding it hard to get Indonesian visas. They have to come to Indonesia illegally. They have to fly first to Malaysia, then perhaps get a boat to Indonesia. It's very hard for Iranians. Iranians don't want to come to Indonesia. They will find other ways to go to other countries, not Australia."

<http://www.smh.com.au/federal-politics/federal-election-2013/dropoff-in-boat-arrivals-20130807-2rgur.html>

## **Guardian role limited under PNG plan**

The Immigration Minister has made much of the fact that he is the legal guardian of unaccompanied children who arrive in Australia. But with the new Papua New Guinea policy in place, he won't be their guardian for very long. The Minister has confirmed to the ABC's fact checking unit that he won't be the official guardian of unaccompanied children once they leave Australian territory.

[ABC News Wednesday 24 July 2013](#)

## **Hope on asylum help**

Tasmanian families are a step closer to welcoming young asylum seekers into their homes with the Immigration Minister instructing his department to investigate releasing young detainees from the Pontville facility into community homestays. He revealed on ABC's AM radio program that a national pilot program was being looked into and if it proceeded could see up to 275 unaccompanied young boys released into the community and he said he wanted these children to have as close to a normal family environment as possible.

More than 100 people in Tasmania have already registered to host asylum seekers at their homes.

Australian Homestay Network chief David Bycroft said, "We're thrilled to hear this is being investigated and I'm confident it is the best solution".

The Leitch family, of Kingston, has hosted adult asylum seekers on three occasions.

"I know from hosting adults how respectful and quiet they are and how much they want to fit in to society, get jobs and move forward," mother Kate Leitch said.

"They certainly enriched our lives, rather than being any burden. It's like having friends to stay. We would definitely host children in the same situation.

"It is difficult to think about children living in detention. So if we can offer the comforts of a home and an introduction to Australian life, we would love to do that."

[http://www.themercury.com.au/article/2013/08/12/385444\\_todays-news.html](http://www.themercury.com.au/article/2013/08/12/385444_todays-news.html)

## **Indonesian immigration official says key to stopping asylum seekers is ending conflict**

A top Indonesian immigration official says the key to stopping asylum seekers and people smuggling is for countries to end conflict and persecution.

Australian Foreign Minister Bob Carr and Immigration Minister Tony Burke, as well as representatives from 13 other countries, are in Jakarta for an asylum seeker conference.

Indonesia's new immigration enforcement head, Ida Bagus Adnyana, says the answer is to improve conditions in those countries.

"Of course they need to end the conflicts, increase their people's welfare ... and stop the oppressions," he said.

"That's the key ... stop conflict."

The conference is aimed at securing concrete results in stopping asylum seekers seeking asylum, and people smugglers from profiting from them.

<http://www.abc.net.au/news/2013-08-20/official-says-key-stopping-asylum-seekers-end-conflict/4898284>

### **Jailed asylum seeker wins stay in Australia as refugee**

A criminal asylum seeker jailed for drug-running has won the right to stay in Australia as a refugee.

The Administrative Appeals Tribunal (AAT) has over-ruled the Federal Government's decision to refuse the Chinese man a protection visa on "character grounds".

In a newly published judgment, AAT senior member Anne Britton describes the risk the man will harm the Australian community in the future as "not unacceptable". Ms Britton said the man, now 23, could not be sent back to China.

Last year he sought refugee status, claiming that while living in China he had been brutally attacked by a fellow student, spent months in hospital, and been too frightened to return to school.

But the Immigration Department rejected the application on "character grounds", due to the man's "substantial criminal record".

He spent 10 months in jail during 2011 and 2012 for drug running, after collecting a parcel containing 1.3kg of pure pseudoephedrine - used to manufacture the drugs speed and ice. After losing his visa claim, the man appealed to the Refugee Review Tribunal.

The tribunal recommended that Immigration Minister Tony Burke grant the visa, as there were "substantial grounds for believing that, as a necessary and foreseeable consequence of his removal to China, there was a real risk that he would suffer significant harm".

The man arrived in Australia as a student in 2007, flunked the NSW Higher School Certificate and was refused a second student visa in 2010.

[http://www.news.com.au/national-news/jailed-asylum-seeker-wins-stay-in-australia-as-refugee/story-fncynjr2-1226699498509?from=public\\_rss](http://www.news.com.au/national-news/jailed-asylum-seeker-wins-stay-in-australia-as-refugee/story-fncynjr2-1226699498509?from=public_rss)

### **New wave of migration echoes colonial past**

More Irish are coming to Australia than ever before, according to Immigration figures

These figures from the Department of Immigration and Citizenship show 40,000 Irish people made Australia their home in 2011 and 2012 with 5,000 people settling here permanently.

Irish heritage minister Jimmy Deenihan says Australia's visa system makes it a popular target for young Irish professionals looking to establish their careers.

"There's a very friendly visa system that encourages young Irish qualified people and also skilled people to come to Australia," he said.

"People with PhDs, people who are highly skilled ... so it's a big gain for Australia but it's obviously a drain on the resources from Ireland. There's huge connections here (in Australia) in the political world, in the education world, in the medical world and in industry. Irish people feel very comfortable coming to Australia because they know there's a very positive welcome for them here."

### **Economic woes driving Irish exodus**

Ireland has in recent years returned to one of the top ten source countries for permanent migrants.

The Irish are now the seventh largest group choosing to settle in Australia, after India, China, the UK, the Philippines, South Africa and Vietnam.

This time around it is professionals who are leaving.

<http://www.abc.net.au/news/2013-08-24/irish-migration-to-australia-increasing/4910116>

### **Torres Strait arrivals sent to PNG**

Two Somali nationals who arrived by boat via the Torres Strait were part of a group of 40 asylum seekers transferred to Papua New Guinea (PNG) as part of the new Regional Settlement Arrangement, the Department of Immigration and Citizenship (DIAC) confirmed recently.

Under the new arrangement - which was signed with PNG on July 19 - unauthorised maritime arrivals are sent to PNG for assessment and, if found to be refugees, will be settled there.

"People found not to be refugees may be returned to their home country or a country where they had a right of residence, or held in a transit facility," a DIAC spokesman said.

The charter flight, with the tenth group of 38 single adult men – consisting of five Bangladeshis, one Lebanese, three Afghans and 29 Iranians– escorted by the Australian Federal Police, DIAC staff, interpreters and medical staff, departed Christmas Island. The two Somali nationals were picked up from Darwin as the plane refuelled.

<http://www.newsroom.immi.gov.au/releases/torres-strait-arrivals-sent-to-png-under-regional-settlement-arrangement>

### **A country town opens its heart**

Congolese orphan Labelle Ouyou arrived in Australia to start a new life with her four younger brothers carrying the family's only possessions in her handbag.



Their aunt Denise Tibatina collapsed on the floor in grief and relief. "It was like I [just] lost my sister," said Ms Tibatina, who hadn't met the children before and hadn't seen the children's late mother Antoinette since 1988.

When Ms Tibatina walked towards the children with her arms outstretched her friend Ms Payne said it was as though she was "gathering the living and the dead".

The children's arrival was the last step in a two-year process by Ms Tibatina and her husband Ian Ottley to relocate them from the Democratic Republic of the Congo to Kyogle.

Mr Ottley, who is ill with prostate cancer, was an engineer with UNICEF in Rwanda, the Congo and Kenya.

It was the knowledge that one in four girls are raped, and many boys, too - that drove the Kyogle couple to bring Labelle, now 19, Mbo and his twin Mpia, 16, Jeremy, 14, and Samuel, 11, to Australia under the family reunion program. The children - who speak French but no English - were reeling as they learnt new things, including how to cope with the cold, use a microwave and eat with a knife and fork.

Mbo hadn't used a computer but by Thursday he was watching YouTube videos of Congolese dancing and singing. Labelle was learning to text. Samuel was grieving for the friend he left behind in the Kinshasa orphanage but smiled when he played with a local boy, Ben Cieslak, 8. The boys' soccer skills dazzled locals. Mbo was amazed by the quality and quantity of food and fruit.

The children are living in a house furnished by local donations. They arrived with nothing except the clothes they wore but were soon wearing new sneakers and clothes selected from local shops where accounts were opened on their behalf.

Kyogle's generosity reassured Ms Tibatina that life would be OK for these children. "I was always thinking people don't like me, but now I can see people love me and were worried about me."

<http://www.smh.com.au/national/sweet-refuge-a-country-town-opens-its-heart-20130823-2shaa.html>

## **Work and Holiday Visa with Greece**

The Australian government confirmed that it was ready to sign the Work and Holiday Visa (Subclass 462) with Greece. At a meeting held with the Federal Immigration Minister and President of the Greek Orthodox Community of Melbourne and Victoria Bill Papastergiadis, the Minister confirmed Australia's commitment to signing the visa as soon as possible, adding that the visa is now with the Greek government.

He also congratulated the efforts of the GOCMV in promoting the Greek language and culture in Melbourne through the plans for the new Greek Cultural Centre.

<http://neoskopos.com/news/en/govt-ready-to-sign-work-holiday-visa>

## Attorney General

### **\$4 million to assist unrepresented litigants**

The former Attorney-General, Mark Dreyfus, and the Parliamentary Secretary have announced new funding of \$4 million over four years to support unrepresented litigants who would not otherwise have access to legal assistance and advice.

"The service fills an important gap by providing legal assistance in federal civil law matters to those who are unable to otherwise afford legal representation."

Assistance will be available for unrepresented litigants in the areas of social security, discrimination, consumer law, judicial review, bankruptcy, immigration and employment law.

"The national rollout will be based on the successful pilot conducted by the Queensland Public Interest Law Clearing House in the former Federal Magistrates Court and Federal Court. It was modelled on the Royal Courts of Justice Advice Bureau which has been successfully operating in London for more than 30 years," Mr Neumann said.

Further information is available at [www.ag.gov.au](http://www.ag.gov.au)

<http://www.attorneygeneral.gov.au/Mediareleases/Pages/2013/Third%20quarter/25July2013-4milliontoassistUNRepresentedlitigants.aspx>

### **Policy for Government use of cloud computing services**

The Former Attorney-General, Mark Dreyfus, and the Former Minister Assisting for the Digital Economy, Senator Kate Lundy, have released a policy for the Government's use of cloud computing which will ensure Government agencies can take advantage of the opportunities enabled by cloud computing and the National Broadband Network while maintaining the privacy, security, integrity and availability of personal information.

"The policy will aid decision-makers in determining when to allow the use of offshoring or outsourcing on a case-by-case basis," Mr Dreyfus said.

The policy builds on the National Cloud Computing Strategy released in May 2013. A key goal of that Strategy is that the Australian Government will be a leader in the appropriate use of cloud services.

"Cloud technology offers not just agility, flexibility and scalability, but also cost savings. In fact, cloud computing is fundamentally changing the way we think about communications technology. Combined with the rollout of the National Broadband Network, cloud computing has the potential to revolutionise how we consume and use digital technology." Government holds much unclassified data which, subject to a risk assessment, can be stored in a public cloud.

Information that requires privacy protection, however, requires stronger safeguards.

"Safeguards have been incorporated so that before personal information can be stored in the cloud, the approval of the Minister responsible for the information, and my own approval as Minister for privacy, must be given.

"This is to ensure that sufficient measures have been taken to mitigate potential risks to the security of that information."

The Australian Government Policy and risk management guidelines for the processing and storage of Australian Government information is available on the Protective Security Policy Framework website.

[http://www.minister.dbcde.gov.au/kate\\_lundy/media\\_releases/003](http://www.minister.dbcde.gov.au/kate_lundy/media_releases/003)

## **Appointment of Race Discrimination Commissioner**

Former Attorney-General, Mark Dreyfus QC, has announced the appointment of Dr Tim Soutphommasane as Race Discrimination Commissioner.

"Australian multiculturalism is about embracing and benefiting from the strength of our cultural diversity," Mr Dreyfus said.

Former Minister for Multicultural Affairs, Senator Kate Lundy, welcomed the appointment and said, "Racism and discrimination have no place in our society. Australians from all backgrounds should be given every opportunity to be part of Australia's social, economic and cultural life, and deserve a strong advocate." He is an academic specialist in multiculturalism and citizenship, and an author of three books in those fields. He is a regular media commentator, whose work has been influential in shaping debates about culture and identity in Australia and Britain.

He will bring to the position an in depth understanding of current and emerging issues relating to multiculturalism in modern Australia.

<http://jennymacklin.fahcsia.gov.au/node/2487>

## **ALRC Review of equal recognition before the law**

The Australian Law Reform Commission (ALRC) received *Terms of Reference* from the Former Federal Attorney-General, the Hon Mark Dreyfus QC MP, for an *Inquiry into Legal Barriers for People with Disabilities*. ALRC President, Professor Rosalind Croucher will lead the Inquiry that will examine laws and legal frameworks within the Commonwealth jurisdiction.

The Terms of Reference specifically ask the ALRC to have particular regard for the ways that people with disability who are also children, women, Indigenous people, older people, people in rural, remote and regional areas, people from culturally and linguistically diverse backgrounds and lesbian, gay, bisexual, transgender and intersex people are affected by these laws and frameworks.

In undertaking this reference, the ALRC has been asked to identify and consult with relevant stakeholders, particularly people with disability and their representative, advocacy and legal organisations, including through accessible formats, but also families and carers of people with disability, relevant Government departments and agencies in the Commonwealth and States and Territories, the Australian Human Rights Commission, and other key non-government stakeholders.

Further information about the ALRC's inquiry work can be found at [www.alrc.gov.au/inquiries](http://www.alrc.gov.au/inquiries).

<http://www.alrc.gov.au/news-media/media-release/alrc-review-equal-recognition-law-and-legal-capacity-people-disability-anno>

## **Foreign Affairs**

### **Australia taking lead role in international efforts to raise standards and accountability for private security contractors**

Australia will become a foundation member of the International Code of Conduct for Private Security Service Providers Association (the ICoC Association), an international body which will establish the first worldwide system of accreditation for private security contractors.

Private security contractors play an increasingly prominent role in security operations worldwide. Yet a lack of formal oversight and accountability has made it difficult to verify that their actions conform to international humanitarian and human rights law.

<http://www.dfat.gov.au/media/releases/department/2013/dfat-release-20130815.html>

### **Australia welcomes Mexico into Australia Group**

Australia has congratulated Mexico on becoming the 42nd member of the Australia Group, an informal forum of like-minded countries committed to preventing the spread of chemical and biological weapons for nearly 30 years. Mexico was acknowledged for the steadfast work it had done to bring its export control system fully into line with the Australia Group's common control lists and guidelines.

Australia looks forward to the contribution Mexico will make to the work being done to prevent the spread of chemical and biological weapons. Australia took the initiative to establish the Australia Group in 1985 and provides its permanent chair and Secretariat. It has also been working to highlight the chemical weapons threat in Syria and to encourage all countries to intensify scrutiny of exports to Syria to ensure they do not contribute to that threat.

<http://www.dfat.gov.au/media/releases/department/2013/dfat-release-20130813.html>

## Resources

The Australian Government Policy and risk management guidelines for the processing and storage of Australian Government information

See: The Protective Security Policy Framework website.

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