



The Gazette

The Official Newsletter of the
GAY AND LESBIAN IMMIGRATION TASK FORCE QUEENSLAND INC.
PO Box 378 Paddington QLD 4064



Trevor Robinson's
Membership # 767

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GLITF

Migration
Consultant

Trevor Robinson

Ph 33670731

MARA Reg. # 9683596

Email
trobinson6@bigpond.com

Website
www.glitf.org

Meetings

Second Thursday
of month at
Sportsman Hotel
130 Leichardt St,
Spring Hill starting
at 7:30 PM



Pride 2009

Highlights of 2009 Federal Budget on the Migration Program.

- * The Migration Program will total 168,700 places for 2009-10.
- * The Federal Govt's 2009 Budget has made a further cut to the permanent skilled migration intake to 108,000 places for the 2009-10 program (a 20% reduction to the previous budget).
- * The reduction will be achieved largely through cutbacks in the General Skilled category.
- * A job-readiness test will be increasing the English language requirement for Trades occupation to IELTS 6 from 1 July 2009 for offshore applicants and 1 Jan 2010 for onshore applicants. (already level 7 for accounts-in each band-*Listening/Reading/Writing/Speaking*)
- * There will be fewer visas granted to trade level occupations.
- * There will be an increase in family migration places to 60,300, including addition 2500 for partners, 100 for contributory parents and 300 for child visas.
- * Increased Humanitarian Program to 13,750, (*250 more than the 2008-09 quota*). (7750 Special Humanitarian and 6000 refugee).
- * Increased funding to improve detention centres.
- * DIAC staff reductions (*700 to go-that's 1 in 10 staff*)
- * Increased costs for DIAC to establish the new Office of the MARA, \$6.4million.in Sydney.

Note: The grant of 457 visas are at there lowest level in 4yrs. Businesses are now required to show that bringing in the Overseas worker would benefit Australia as opposed to the business, considering the economy and local labour conditions.



At the AGM — Laurent AuClair, Trevor Robinson & Helen Schafer

AGM Report

Again the AGM time has rolled by Mon 18 May the Committee along with around 30 Members and some very special guests met at the Sportsman Hotel where Neil McLucas and his staff played host to GLITF for the evening.

The first hour passed with pleasant chat, some enjoyable refreshments, wine & juice. At 7:30 commenced the formal meeting with the Keynote speakers Snr Sgt Monica O'Mara from the Community safety & Crime Prevention branch. Monica is the *GLBT Liaison Officer*. Our next speaker was Helen Schafer from *Beyond Blue*, who spoke on Depression, suicide, Diabetics 2. We were delighted to have such wonderful & informative guest speakers.

The executive then read their reports, followed by Neil McLucas who conducted the election of the new office bearers. Our Secretary is moving to Sydney in July and our President would like to be relieved of the position, however no-one put their hand up.

It is extremely disappointing that so few Members attended; so much work & effort goes into the preparation & planning for so little reward.

Executive Committee resulting from the AGM 18 May 2009

| | |
|----------------------|-----------------|
| President: | Rohan Dean |
| Vice President/ | |
| Migration Consultant | Trevor Robinson |
| Secretary | Laurent AuClair |
| Treasurer | Shontelle Grace |

Same-sex relationships

Same-Sex Relationships (Equal Treatment in Commonwealth Laws-General Law Reform) Act 2008 (No. 144, 2008) with effect from 01/07/2009

-consequential changes to all legislation across government.

Changes to Immigration (Guardianship of Children) Act 1946 (IGOC Act) and Australian Citizenship Act

2007 (Citizenship Act) took effect from 15 March 2009

Changes to immigration legislation took effect from 1 Jul7 2009

Same-sex and opposite sex defacto couples treated the same

Terms “Interdependent partner and Interdependent relationship” are no longer used: now de facto partner relationships [except for pre- 1 July 09 cases]

Partner visa applications

people intending to get married (Fiancés)

married (de jure) partners

de facto partners (including those in a same-sex relationships).

Pressure to rein in ‘Corrupt’ Colleges

The Federal Govt is facing internal pressure to launch a co-ordinated nationwide crackdown on corrupt training colleges that are making millions of dollars a year exploiting foreign students by breaching immigration and education laws.

In Victoria the problem is out of control, up to 20 Colleges were investigated in Melbourne.

Here in Brisbane we were aware of just one racket which was located in Fortitude Valley.

Complex networks linking unscrupulous private collages, migration agents, education agents and businesses offering work experience indicated the involvement of organised crime.

Colleges and agents were fleecing students using forged certificates and immigration fraud; Govt agencies charged with checking the credentials of students were “lackadaisical”; and some students were complicit in scams aimed at securing Permanent Residency in Aust.

International education is a \$13.7 billion industry, making it the nation’s third largest export after coal & iron.

There are 342 education providers authorised to teach International students in Victoria.

In December 2008, Federal Immigration officers and police raided 9 Melb businesses, including a private college, over claims that some charged up to \$20,000 for fake education certificates and work references.

‘Dodgy’ colleges offer qualifications for under-the-counter payments. Students are being bullied into making advance payments for semesters or face fines; and that students are being fined up to \$250 for being late for classes or for submitting assignments late.

Detention Centre – Asylum Costs

Between 2 Oct 2008 and 28 Feb 2009 the Imig Dept spent the following:-

\$6,500 a day on detention service provider staff

\$9945 a day on interpreting services

\$7850 a day on DIAC staff and allowances

\$1.7million for aircraft charter costs.

The number of detainees on Christmas Island as at 28 Feb were just 141 people. *Many more boats arrived since during March & April!!*

Over the w/e 23-24 May 09 the 20th boat arrival since Sept 08, This boat had 73 passengers; a total of 729 people arrivals! Many have since been granted visas.

The 226 Imig Staff workers receive a daily allowance of \$80 for food. For example 3 capsicums can cost \$21.

All fresh food is flown in..... *however cigarettes cost \$2:40 and alcohol is tax free!!*

The processing cost of each asylum seeker is about \$38,000!!

Lodgement in Brisbane of student and sponsored family visitor applications

DIAC Brisbane wish to streamline processing in the above caseloads and to do so will no longer accept lodgements at the counter – *they must be lodged by post or electronically*

It is hoped this will reduce waiting times and focus resources on finalising applications, and not just receipting applications at the counter.

It is difficult to understand why student visa applications are not lodged electronically . If there are genuine emergencies which require personal lodgement, Brisbane DIAC will accommodate these.

All applications for the Brisbane Office are to be sent to: DIAC, GPO Box 9984, Brisbane Qld 4001

International students call for financial help.

A Melb body that supports Overseas students has been overwhelmed with appeals for help, and had to refer the case of four Indian students sleeping rough at a railway station to the Salvation Army.

The Australian Federation of International Students said that over the past year there had been a growing num-

ber of overseas students unable to afford basic necessities.

“We used to have less than five requests for assistance a week, but recently (during April-May) it’s gone way-up with over 20 requests a week for assistance regarding help with landlords, resumes, even food & shelter & homelessness,” said D. Tsoi an AFIS executive officer.

There is great resentment building among overseas students failing to win their dream jobs in Australia due to their poor spoken English.

Monash University’s, Bob Birrell said the strength in enrolments was a “puzzle”, given a series of changes tightening the rules for overseas students hoping their degrees will deliver them visas as skilled migrants. “Is the migration recruitment network not telling prospective students?”.

China & India account for 42% of Australia’s 414,446 overseas students.

Citizenship

A couple from Peru, who became Aussie Citizens on Queens B’day 8 June, say we have a good education system and very good health system. These are two services we love to bag. They have compared what we have against what they know exists elsewhere in the world. You have to wonder why we cannot do the same. Is whingeing so ingrained in our make-up that we cannot see the garden for the picket fences.

We Australian born Aussies are so fond of complaining about whingeing “Poms”, maybe we listened & learnt well from our Pommie migrants.

Appreciation

Thanks so much for your email. Thankyou for all your help through the process. I can’t imagine attempting it without your experience and advice.

Please let us know if there is anything we can do to support your work. We are so grateful.

Megan & Meredith.

MARA executives appointed

DIAC has announced appointment of Ms Christine Sykes as the CEO of MARA and Mr Stephen Wood as the Deputy CEO. Both are DIAC senior officers. They will formally commence work on 1 July 2009. Christine Sykes was the State Director of Qld DIAC when I first became a Mig Agent.

Lawyers fear migration move

The Rudd Govt decision giving oversight of the Migration Agents to DIAC breaches the findings of its own report last yr into the industry.

The new MARA replaces the system established in 1998 under which migration advice was provided by MIA, giving rise to charges of unethical behaviour involving migration agents.

While admitting the need for reform, migration lawyers told “*The Australian*”, the incorporation of MARA within the Dept of Imig compromised hopes of an independent regulatory body.

“We’ve now got a regulator with a vested interest in running out of the profession people they don’t like.-not just people who are shonky or incompetent but people they don’t like.” said Brisbane based migration lawyer Bruce Henry.

“And the response from the Minister’s office to that is: It will be all right – they’ll be building Chinese walls within the Dept to make sure those sorts of things don’t happen.

“But they know human beings just don’t work like that.”

Mr Henry said the move involved “basic issues for lawyers”. “What happens the first time I get a request from the Dept for access to my client files?

“They (the Dept) have a power under the legislation to access my client files, but I don’t think I can give the files to them.

“I’m in breach of my statutory obligation and can be prosecuted but I’ll be buggered if I’m going to give a client file to the Imig Dept. regardless of whether they are pretending to the MARA or not – I’m just not going to.”

Australia’s \$15 billion education industry is under threat following a series of attacks on Indian students (& shonky colleges) that have threatened Sydney & Melbourne’s international reputation as a study destination..... come to Brizzie, we will welcome you!

DIAC’s new Perth office

DIAC’s Perth office has moved\, from 15 May 2009 its new address is:

Wellington Central, 836 Wellington St, West Perth.

The Postal address remains: Locked Bag 7, Northbridge, WA 6865

Changed student financial requirements for the Philippines

For the purpose of meeting the financial requirements for a student visa, DIAC has developed a list of acceptable finance institutions in the Philippines. From 15 March 09, only evidence of money deposit or loan from an acceptable Philippine-based financial institution included in this list will be accepted. Applications lodged with the visa office prior to 15 March 09 will be assessed as per the pre existing arrangements.

As at 15 March 09 the acceptable Financial Institutions in the Philippines are Metropolitan Bank & Trust Co.; Banco de Oro Unibank Inc.; Bank of the Philippines; Rizal Commercial Banking Corp; Citibank N.A.; China Banking Corp; Union Bank of the Philippines; Allied Banking Corp.; HK Shanghai banking Corp; Security Banking Corp; United Coconut Planters Bank; Bank of Commerce; Philippine Trust Co.; Standard Chartered Bank. Philippine Bank of Communications; Asia United Bank; East-West Banking Corp.; ING Bank; Philippine Veterans Bank; Deutsche Bank AG; Mizuho Corporate Bank Ltd; BDO Private Bank; and Bank of Tokyo -Mitsubishi Ltd.

Terrorist organisations

A quick reference tool is available to check which organisations are currently considered by Australia to be terrorist organisations:-

www.nationalsecurity.gov.au/agd/www/nationalsecurity.nsf/AllDocs/95FBo57CA3DECF30CA256FABoo1F7FBD?OpenDocument

UNHCR eligibility guidelines

The UNHCR regularly releases important positions, recommendations, guidelines and related papers. These can be found at: www.unhcr.org/refworld

For example in April 2009 eligibility guidelines were released for asylum seekers from Eritrea, Sri Lanka and Iraq.

FIRB relaxation on residential sales

The Foreign Investment Review Board has relaxed rules regarding the sale of residential real estate to foreigners. This includes an expansion of the exemption for some temporary residents, streamlined administrative procedures, removing the requirement that only 50% of new dwellings can be sold to foreign investors for off the plan developments, relaxation of the rules relating to the development of vacant land and changes to the rules relating to the purchase of second dwellings by temporary residents. Details are available at:

www.firb.gov.au/content/policy/asp

Changes for obtaining an AFP clearance

The procedure for obtaining an AFP clearance has recently changed.

The Aust Federal Police will no longer accept form 1101. Instead applications must be made using the National Police check Application Form. This is available at www.afp.gov.au/_data/assests/pdf_file/90643/NPC-Application_form.pdf

The form should be completed and sent to the new address at:

Australian Federal Police, Criminal Records, Locked Bag 8550, Canberra City, ACT 2601

For Question 4 (Purpose of NPC) on page 2 an applicant must enter the Code Number 33 to indicate it is for migration purposes. Applicants should also note that fingerprints are **not** required.

Detention services

Serco Australia Pty Ltd has been selected as the preferred tenderer for a five year contract for the provision of a range of immigration detention services at immigration detention centres and a range of transport and escort services to people in detention.

G4S Australia Pty Ltd has been selected as the preferred tenderer for a five year contract for the provision of a range of immigration detention services at immigration residential housing and immigration transit accommodation.

DIAC has signed a five year contract with International Health and Medical Services (IHMS) to provide a range of health services to people in immigration detention around Australia including those related to mental, physical and dental health.

Abolition of Federal Magistrates Court

Attorney General Robert McClelland announced on 5 May 2009 that the Federal Magistrates Court will be abolished.

All family law matters including *immigration matters* will go before the Federal Court.

The media release states:

The restructured Federal Court will have two tiers;

Appeals and other complex work will generally be heard in the first tier, with shorter, less complex matters redirected to the second tier.

Existing judges of the Federal Court will operate in the first tier,

Federal Magistrates will operate in the second tier,

Upper and lower level Fair Work Divisions, which will hear matters under the Government's new workplace relations system, will be maintained and provide a one stop shop for employers and employees;

Federal Magistrates appointed to the Federal Court will have expertise in general federal law matters and will continue to be named 'magistrates'.

The restructure follows a report released late last year – *future Governance Options for Federal Family Law Courts in Australia*.

Detention Snapshot

The Dept of Immigration has released the following "snapshot" of Australian immigration detention as at 1 May 2009:

There were 455 people in immigration detention centres, of whom 184 were housed at Villawood Immigration Detention Centre.

There were 163 people in alternative detention arrangements and community detention.

Of the 618 people in immigration detention:-

235 were detained as a result of compliance action – that is, overstaying their visa or breaching the conditions of their visa or having their visa cancelled.

62 were unauthorised air arrivals

10 were illegal foreign fishers

304 unauthorised boat arrivals

1 was an inadequately documented crew member

6 were detained for other reasons; ship deserters, stowaways, etc.

319 have not applied for a protection visa

129 are undergoing a refugee status assessment

58 have been refused a protection visa

112 have applied for protection visas, or review of a decision in relation to their application for a protection visa

The Majority of asylum seekers arrive in Australia with a valid visa and live in the community while they pursue their claims.

There are no children in immigration detention centres.

Abolition of detention debt

On March 18 Senator Chris Evans introduced a Bill into Parliament to abolish the practice of charging detainees for their detention.

Additionally, all existing debts for current and former detainees will be extinguished, although debts already paid will not be refunded.

Currently detainees are charged at a rate of \$125 which can result in a debt to the ComWlth of thousands of dollars even hundreds of thousands of dollars.

Refugee/Humanitarian Entrants 2007-08 Offshore Visa Grants by Top Ten Countries of Birth

| | |
|---------------|------|
| Burma/Myanmar | 2961 |
| Iraq | 2215 |
| Afghanistan | 1185 |
| Sudan | 1158 |
| Liberia | 410 |
| Congo | 348 |

| | |
|--------------|-----|
| Burundi | 303 |
| Iran | 302 |
| Sierra Leone | 267 |
| Sri Lanka | 243 |

DIAC refutes hoax email on refugee payments

The Dept of Immigration has refuted false claims circulating on the internet that asylum seekers on Christmas Island and refugees permanently settling in Australia receive more in benefit payments than Australian pensioners. The figures quoted in the email bear no resemblance to income-support payments to pensioners or to payments to asylum seekers and refugees settling in Australia, DIAC spokesman Sandi Logan said. Asylum Seeker Assistance Scheme payments to eligible seeker and allowances paid to people in community detention on Christmas Island are the same rate 89% of Centrelink Newstart allowance.

Company fleeces visa hopefuls

An online business that charges up to \$580 for an Australian skilled migration visas that are never delivered is being investigated by the Dept of Immigration & Citizenship. AUSIOM claims to provide an application service for the visa €39 (\$70) and €324 to be paid by credit card.

A Dept spokesman said applicants had been fleeced for hundreds of dollars and received nothing in return.

“We have several complaints from various parts of the world including the Middle east and Asian countries, about them and we’re investigating.” he said. “we’ve also received complaints from people in Australia.” But the Govt is powerless to do anything if the company is offshore, as it is believed to be. “All we can do is encourage people to report it to their local authorities.

People with friends or relatives wanting to apply for skilled migration program should go to the Govt website, www.immi.gov.au

Climate change refugees relocated in PNG

Members of five families being described as the world’s first climate change refugees have moved from the Carteret Islands in Papua New Guinea to the site of their new home in Tinputz on the Island of Bougainville. Fathers and sons of the families have gone ahead to prepare the housing sites for their families to move permanently. The land was donated by the Catholic Church of Bougainville.

Human Rights -Human Rights Act

Concerns that a national Human Rights Act would fall foul of the Constitution can be put confidentially aside, President of the Aust Human Rights Commission, Justice Cathy Branson QC said. Instead, an independent body such as the Australian Human Rights Commission would keep watch on cases and notify the Parliament through the Attorney-General if a court were unable to interpret the legislation in a way that was compatible with the Human Rights Act, she said.

Editors Note: Magabies’ Zimbabwe has a Human Rights Act; need I say more?

Retirement Visa (Subclass 410) holders

The recent Federal Budget papers contained the following information

From 1 July 2009 the Govt will provide \$0.1 million in 2009-10 to extend the Retirement Visa (Subclass 410) validity period from four to 10 years, and to remove the current statutory limit on work rights for holders. Currently, Retirement Visas (Subclass 410) are valid for four years and do not allow holders to work for more than 20 hours week.

This measure will provide applicants with more certainty regarding their length of stay in Australia, and allow paid and volunteer work to be undertaken. Around 8,700 visa holders will be affected by these changes. The Retirement visa Subclass 410 closed to new primary applicants from July 2005.

Big Brother - Access to movement records

Legislative Instrument IMMI 09/053 (Gazette Notices) authorise Specified Govt agencies to access DIAC movement records to check immigration and residence status; they include:-

Veterans’ Affairs, Civil Aviation Authority, Transport and Regional Services, Child Support Agency, Centrelink, Australian Taxation Office, Attorney-General, NSW State Debt Recovery, Defence, Foreign Affairs & Trade, ASIO. *Beware*; Big Brother is watching you!!

Trevor's Diary

The downturn in the economy has increased my work load due to 457 visas. That is staff brought here from O/seas by Business's & now can't afford to keep them on; can't fulfil the trg program, etc. I have had 3 now. The one who turned up yesterday without an appt. The Imig Dept had suggested he withdraw the application so he wouldn't end up with Section 48, the Imig Dept had granted him a BVB they are given 28 days to leave the country.

Students who hoped to migrate here after graduating, are now finding the Govt has tightened up the criteria, or they can't pass the IELTS test which has now increased for example to level 5 for chefs and to level 7 for accountants.

Another Indian sent to me..... we need a shelter for homeless gays!!

Meeting next Thurs with DIAC 9:00 and at 10:00 in Christie Centre. Two Saturdays' in a row at Qld Law Society. All day Fri & Sat at Marque Hotel. All on Migration Legislation matters & updates.

Overseas students & Immigration.

Australia's skilled migration is driven by our national economic needs, not the educational choices of O/seas students. .

Chris Evans stressed there was no automatic link between study in Australia & access to Permanent Residency. The Aust Govt will adjust the program to meet our national needs and not be driven by the education choices of overseas students. In a possible response to mounting anger among overseas students whose hopes for permanent residency may be denied Senator Evans said "The skills and qualifications we seek in migrants will vary over time."

MIA CEO Maureen Horder said that since the new critical skills list had come in many applications based on the previous occupational demand list would languish in the immigration processing pipeline for many years. The developments coincide with a recommendation from the conservative USA think tank that skilled migration into the US should be restored to pre-Sept 11th levels to reverse the country's technological skills crisis. The US depends on science, technology, engineering and mathematics workers every year, even after importing 65,000 foreign workers and graduating 60,000 US engineers annually, it says.

In a development with possible ramifications for Australian efforts to lift the quality of overseas postgraduate recruits, the report calls for the cap on H-1B visas to be lifted from the present 65,000 to its pre-Sept 11 level of 195,000 visas a year.

As Aust cracks down on the permanent residency-driven training market, the influential think tank says the technology skills crisis is under-mining US competitiveness.

As a result of shortages, many American companies are being forced to either expand outside the US or not expand at all.

Migration the final drawcard

According to Alan Ruby, senior fellow in international education at the Uni of Pennsylvania, wealthy nations with aging populations will need increasing numbers of workers willing to work with the elderly as nurse assistants. That means training people prepared to accept low pay if it allows them to immigrate.

The same situation will develop for two-year trained Info Tech workers & tourism, where aspiring immigrants will take on jobs Australians won't. "The big challenge is the need to offer them citizenship."

"Institutions now cross borders, educational services are created in one place, consumed in another and tendered in the form of credentials in yet another, and individual student mobility has increased.

Institutions are managing the changing market by focusing on specific education areas and concentrating on specific markets. USA institutions already emphasised post graduates in science and engineering accounted for more than half the national total as far back as 2003. New Zealand bet the farm on the Chinese, with the People's Republic providing half it's international students, compared with 25% in Australia and 10% in the US. Vice chancellors must make International education important to their communities. "It is part of the mission of global institutions, it's not just about revenue.

Institutions need help with the changing demands and that could come only from Canberra investing in more and better market intelligence.

"What are the competitor nations doing in the global market? What does the new Govt in India intend to do and what are the ripple effects for Australia? What does Canada's fast path to Citizenship mean for Australian demand?"

UK to tighten curbs on migrants

The British Govt is planning to review it's immigration policy in a move to make it more difficult to become citizens.

A new points based system is proposed. The points based system has already proved to be a powerful tool for controlling migration for the benefit of both British people and the economy.

The new proposals include changing the rule that allows workers who have lived in England for 5 years to apply for a passport, by making that period longer.

Asylum-seekers' boats 'in distress'.

Two boats thought to contain asylum-seekers are reportedly in distress off the Indonesian territory of Aceh. This brings to mind the sinking of an Australian bound boat off Flores Island in Indonesia in July. News of the sinking was conveyed to authorities in Canberra after 19? passengers swam ashore, we still haven't been advised how many of approx 74 onboard were saved? Passengers on board that managed to reach land made contact with Australian refugee advocate, Ian Rintoul.

This also brings to mind we still have not been advised as to who or why an earlier boat caught fire, seriously burning a number of those on board!

36 Overseas students in detention

In mid July thirty-six overseas students, some as young as 18 were being held in immigration detention for breaching study visa conditions.

Infringements can include not passing subjects and poor attendance – although the Imig Dept insists that none of the detained students was locked up for failing to meet course requirements.

19 of those detained were aged between 18 and 21. The average period of detention is 81 days.

Critics of the detention system say the presence of so many students in immigration detention shows the Rudd Govt's policy of detention as a last resort is not working

Some 2646 overseas students have been detained since Jan 2001.

Many of the student visa holders being held are from China, but others come from India and Pakistan – countries already sensitive about the treatment of their student national in Aust.

The Dept of Imig said student visa holders currently in detention had posed an unacceptable risk to the community, or had repeatedly refused to comply with visa conditions.

A Dept spokesperson said most of those in detention had overstayed their visas. None had been locked up "simply for breaching attendance requirements or failing to meet minimum course requirements, although these could be factors in non-compliance with visa conditions".

No doubt some overstay deliberately or inadvertently, but for young people carried away with lifestyle, their legal status is not paramount in their minds. They often don't have a high level of guardianship or parental support.

Indian students in Aust are ranked among the highest risk groups for visa violations, according to a Govt review which found they were up to three times more likely to breach conditions than the average foreign student.

A review of the student visa program assessment levels conducted by DIAC last Sept across all applicant countries ranked Indian students alongside Bangladeshis and Cambodians as level 4 risk countries. Indian students must now prove they have enough money to survive for the duration of their study and pass more stringent English language tests.

The crackdown fails to distinguish between "quality" university students and the almost 80% of all Indian students who came to study vocational education training courses such as cookery and hairdressing seen by many as a backdoor means of gaining permanent residency.

The number of Indian students studying in Australia has risen dramatically in recent years, from 11,313 in 2002 to 96,739 last year.