



# 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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## In This Issue

Many items of  
interest to those  
concerned with  
migration

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## Meetings

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



11 Dec 2008 GLITF Members joining in the Xmas party Festivities at Sporties.

### Resister deported

Vancouver, Canada. A US army deserter who fled to Canada three years ago has been deported back to US – the first time a resister of the war in Iraq has been removed from Canada. Robert Long, 25, fled to Canada in 2005 to avoid serving in Iraq. The Federal Court of Canada ruled that he could not provide clear evidence he would suffer irreparable harm if were returned to the US. He is among about 200 US deserters believed to be in Canada to avoid the Iraq war. A spokeswoman for the War Resisters Support Campaign said Mr Long could face prison or redeployment to Iraq.

### Skills money 'wasted' on low-quality courses

The Rudd Govt's \$1.9billion push to improve skills in the work force risks being wasted on cheaper to produce training in areas such as security, retailing and hairdressing unless Canberra boosts the amount it is offering for courses.

TAFE chiefs have warned that in some high cost courses such as technology and engineering related areas, the money the ComWlth is offering to fully fund the upskilling of unemployed people is half what it would cost TAFE to deliver, TAFE's provide about 80% of the country's vocational training.

### United Kingdom

The UK has raised the minimum age from 18 to 21years for partner migration, for both the sponsor and the applicant.

### New Police Clearance information

Previously Form 47P set out details on how to obtain a police clearance certificate from any country overseas. This has now been replaced with a document titled *Character Requirements Penal Clearance Certificates* (formerly known as Form 47P). Like Form 47P this sets out details on how to obtain relevant certificates. The new document can be

found at: [www.immi.gov.au/allforms/character-requirements/character-penal.pdf](http://www.immi.gov.au/allforms/character-requirements/character-penal.pdf)

### **Death of failed asylum seeker**

Recent media reports have sadly confirmed the death of Akram Al Masri, a Palestinian asylum seeker who became well known in Australia after the Federal Court ordered his release from detention in 2002. Although his application for a protection visa was refused the Federal court held that Mr Al Masri had fully co-operate with his proposed return to the Gaza Strip but that his removal was proving difficult and it was uncertain when it would be possible. On this basis it held that he should be released from detention, a landmark decision at the time which challenged the Howard Govt's policies on detention. The High Court has subsequently ruled differently in *Al-Kateb v Godwin* [2004] HCA 37 and *MIMIA v Al Khafaji* [2004] HCA 38. Mr Al Masri left Australia after the Federal Court decision and returned to the Gaza Strip. Mr Al Masri said he feared for his life if forced to return to Israel. Sadly it appears that those fears have come to fruition, although it is not clear whether his death was related to any of the protection claims that he made while in Australia. Mr Al Masri leaves behind a family of four.

### **Well founded Fear**

International law says that asylum seekers shouldn't be returned to danger, but the Aust Govt never finds out what happens to the asylum seekers it rejects. A well founded fear follows Phil Glendenning Director of the Edmund Rice Centre for Social Justice, as he tracked down several rejected asylum seekers to find out how they were faring. These asylum seekers were former Nauru detainees during the infamous "Pacific Solution" where the Aust Govt used an inferior and non reviewable assessment process took him through Afghanistan, Syria, Turkey and Canada. Some asylum seekers were killed after being sent back from Nauru, others missing feared dead.

Editors Note: I watched the program on SBS TV, the credits at the end noted that after filming one the of the seekers he interviewed had been killed. GLITF has the same fears for several Gays returned to Iran, Bangladesh & possibly India?

### **DIAC staff cuts**

Dept of Immigration Secretary Andrew Metcalfe, confirmed that the Dept's staff numbers will be cut by 225 personnel, most of whom will come from the National Office in Canberra. The Secretary also commented that he expects an increase in staffing at the service delivery level (i.e. where decisions are made and services are provided).

### **Letters/cards of appreciation**

*Dear Trevor,* We've done it with your help! PR for Gayan was approved, and the nice lady from immi office was kind enough to give me a call on a Friday so that the celebrations can be done right-away! Yung & Gayan

*Dear Trevor,* I really enjoyed seeing you on Thursday again and wanted to thank you a lot for taking the time to talk to Waltraud and me! It was really important for us to get as much more focused on the process. Thankyou so much for your warm-heartedness and for helping so many people with their migration and otherwise, Gaby.

*To Our Darling Trevor*

Thanks for being such a wonderful help & Special Man, Lots a love, Ciaran & Lyn.

### **Criminal conspiracy leads to jail**

Immigration officials welcomed an announcement by Judge Norrish in the Sydney District Court that he intended to jail a corrupt Sydney businessman for 5 yrs & 5 months for his part in a criminal conspiracy which resulted in the granting of citizenship for 110 foreign nationals.

The charges against Mr Ling relate to his involvement in a criminal enterprise with a former Departmental employee in defrauding the Commonwealth through the improper granting of Australian Citizenship to 110 people who did not meet Australian Citizenship criteria.

Where the applicant is convicted of fraud in relation to the citizenship application or acquired citizenship as a result of migration-related fraud, or where a citizen is convicted of a serious criminal offence, involving a sentence of 12 months or more, committed prior to the approval of their citizenship application, revocation can proceed only if the person has another citizenship and would not be rendered stateless.

### **Immigration sets new records**

Interpreting services provided through the Dept of Imig (DIAC) increased by 11% in 2007-08.

The translating and Interpreting service (TIS National) provided a record 627 865 telephone services for the year at an average of more than 1700 a day. Multicultural Aussie is thriving!

The highest demand languages in 2007-8 were Mandarin, Arabic, Vietnamese, Cantonese, Korean, Persian, Spanish, Serbian and Greek.

**Student visa Assessment levels changed**

Improved compliance by International students studying in Australia prompted an easing of student visa assessment levels for 43 countries in one or more education sectors. Where applicants present a lower immigration risk, the Dept streamlines visa requirements for these applicants by reducing their assessment level.

Where applicants present a higher immigration risk, the Dept requires additional evidence to be provided to applicants to demonstrate they are genuine students. While these changes will assist the Dept to combat the increasing immigration risk of these cohorts, genuine applicants have nothing to fear from these changes.

**Immigration Bridge**

Record your family's place in Australia's History. The building of the Immigration Bridge across Lake Burley Griffin in the Nation's Capital is a *National Community Project*. For future generations, the surfaces of this iconic Australian bridge will be engraved with the names, dates, & stories of migrants who have come here over the last 200 years – our ancestors - our selves!

Timetable: The complex design will ne finalised in 2009, the History handrail Subscription should be filled during 2008, and construction is anticipated to take place 2010-2011, ready for the opening in 2012 – in time for the Centenary of Canberra in 2013. The Bridge is an inspired concept, designed to represent and honour Australia's history of immigration since white settlement. Our culture is rich with the stories of people from all over the globe who have chosen to live in Australia.

**English Language Test for Registered Migration Agents**

Registered Mig Agents interpret complex Legislation, prepare detailed submissions on behalf of their clients and represent them in a wide variety of situations. High level English language skills are necessary pre-requisite for this.

At a recent MARA Board Meeting it was decided that from 2010 all new entrants to the migration advice profession will be required to achieve a higher level of English language competence

Based on the IELTS test, new entrants will need to achieve an academic band score of 7 with a minimum scores of 6.5 in each module of reading, listening, speaking and writing.

A discussion paper considering what English language assessment if any should apply to existing agents is being prepared and will be released to all RMAs in early 2009.

**Pacific Island Workers**

Subclass visa 416 will allow Pacific Island workers to stay for up to 7 months in any 12-month period and enable them to return each year. Under the conditions of the visa, Pacific seasonal workers will not be granted a visa if they have serious convictions.

**Expansion of the number of Confirmation Enrolments**

The Dept is making changes to its systems that will expand the number of Confirmation of Enrolments (CoEs) that are able to be attached to a student visa application. Departmental systems were limited to attaching three CoEs to a student's visa application. For application lodged after 26 Oct 2008 the system was able to process up to 9 CoEs per application. This change provides more clients with the opportunity to lodge application electronically.

**Changes to the citizenship Test**

Citizenship tests to focus on responsibilities are privileges. The Rudd Govt will overhaul the Citizenship was in the test after a review by a Com'tee of 7 eminent Australian's which included Richard Woolcott, (*I was part of the small group when they came to Brisbane, to get our views/ideas*) found the current test can be improved. Participants will still be assessed on the responsibilities and privileges of the Aust citizenship as well as the legislative requirement of possessing a basic knowledge of the English language.

Editors note: All of our members succeed-usually with a 100% pass, the majority of the few who fail are refugees.

**Business travel card scheme**

Senator Evans welcomed Canadian PM Stephen Harper's announcement at the APEC Leaders week in Lima, Peru that Canada has joined the APEC Business Travel Card scheme as a transitional member economy. Canada's decision to join APEC Business Travel Card scheme will further assist Australian business people travelling to Canada and also open the way for higher levels of cross-border trade and investment in the APEC region with Canada.

**Long-term immigration detention cases**

Of the 72 long-term immigration detention cases reviewed earlier last year Senator Evans said 12 removals included some of the most difficult cases of recent years, including three people who had been in Immigration detention for more than 6 years.

**Holiday visas Thailand**

Australia & Thailand have agreed to more than double their reciprocal work & holiday visa arrangement for young people. The work and holiday visa differs from a working holiday visa as it requires applicants to have the support of their Govt, hold tertiary qualifications or be studying towards a tertiary qualification, and to speak functional English or Thai respectively.

**eVisitor Visa to strengthen Australia-EU relations**

The new European Union eVisitor online service, which went live on October 27<sup>th</sup>, will mean anyone from the 27 EU member states will be able to apply for an eVisitor over the internet, free of charge. It is hoped the eVisitor online service would provide a boost to Australia's \$38.9 billion industry.

This visa has a mandatory 8503 condition on it.

**Child support evaders**

The Child Support Agency and the Dept of Immigration have boosted efforts to crack down on overseas travel of separated parents who are avoiding their child support responsibilities. The CSA, with the support of DIAC, has the power to issue international travel bans if a parent persistently fails to meet child support obligations.

**Women charged**

In a joint AFP, Customs, DIAC, Australian Crime Commission and WA Police, a women was charged with possessing a document knowing that it was a false travel document and with providing a false foreign passport with the intention that the passport would be accepted as if it were a passport issued by or on behalf of the Government of a foreign country, contrary to section 22(1) and 22(2) of the Foreign Passports Act 2005.

**Candidates Play White Australia card**

Three candidates from the Australia First Party have sent out almost 1000 letters to Sutherland Shire residents claiming that the Shire is "slated for new Third World refugee settlement" and that Sutherland Shire should be a place for white Australians. The Mayor of Sutherland Shire, Cr David Redmond, has said that residents had moved on from the Cronulla riots would not be attracted to xenophobic statements. Australia First polled less than 2% of the vote in one Sutherland shire ward it contested!

**Mental Health**

DIAC will implement new mental health screening processes for people in immigration detention. The new screening process has been designed to improve the identification of mental health issues affecting immigration detainees and reduce the risk of self harm. The new mental health screening process was developed by the Detention Health Advisory Group, an independent panel of health experts which includes specialist in psychiatry and suicide prevention.

**People Smuggling**

On October 9<sup>th</sup>, an immigration officer escorted a 35-year old Indonesian man from the Christmas Island immigration facility at Phosphate Hill for hand-over to the AFP. He was charged with smuggling a group of Afghans and Iranians. Senator Evans said the arrest and charging by the AFP of an Indonesian man on a charge of people smuggling would send a strong message to would-be organisers in the region that such activity would not be tolerated by the Aust Govt.

*Editors Note: Ha! Ha! On 16 Dec 08 a 7<sup>th</sup> boat of asylum seekers was intercepted Nth East of Darwin, suggesting a change of tactics. .... and the Labour Party who were not going to open Howard's new squillion dollar Christmas Island detention Centre began using it!!*

*The Detention centre's opening belies Kevin 747's softer policy stance? I'm surprised the earliest arrivals of the latest wave of asylum-seekers haven't already been released into the community!!*

**People smuggler given 5-year sentence**

An Indonesian national charged with people smuggling offences in late 1999 has told the Nthn Territory Supreme court that he attempted to smuggle some 350 mostly Iraqi professionals to Australia because he felt sorry for their suffering under Saddam Hussein. The man was has been given a 5-yr jail sentence.

**Senator Xenophon**

Senator Nick X has recently spoken out against sections of the immigration Act that imposed limits to apply for Judicial Review of refugee-related visa decisions, but not other visa decisions. His words indicate he takes both sensible and compassionate view of this issue.

What I am calling for is a fair go, for there to be an onus on the Govt to explain why migration judicial review decisions have different conditions from those of any other department.

**Brain Drain**

The Immigration Minister released a new report that shows Australia experienced its biggest annual exodus on records with 76,923 people leaving the country permanently in 2007-08. The 76923 people that departed Australia errantly in 2007-08 represents a 6.7% increase on the previous year and a 325% increase on the low of 18,000 people who left permanently in 1985-86

Editors note: No doubt with the downturn in the economy, job losses, the dreaded ‘R’ word, many are now returning to our shores.

**Legislative changes from 27 Oct 2008**

Amendments to the Merits Review and Authorised Recipient Provisions & Section 193 of the Migration Review Act 1958

Amendments to Create the New eVisitor

Amendments to Create the New Super yacht Crew Visa

Amendments to adjust certain Fees and charges in schedule 1 to the Mig Regs 1994

Evidence of language ability for subclass 485 visas

Changes to Maritime Crew (subclass 988) visa to enhance the integrity of the visa

Amendments to Clarify Requirements of Working Holiday (subclass 417) and Work & Holiday (subclass 462) visas. 485 applicants must have English test before they apply.

**student visa online**

A new Legislative Instrument [IMMI 08/092] specifies the classes of persons, in the case of an application made by an applicant applying in Australia for a Student (Temporary)(Class TU) visa, who can use form 157A or 157A (Internet). Certain holders of Subclass 488 (Superyacht Crew visa – Temporary) (Class UW) visa and holders of Subclass 651 (eVisitor – Temporary) (Class TV) visas have been included in the eligible class.

**Citizen Act**

The following amendment was introduced as consequence of the decision of the AAT.

The amendment received Royal Assent on 15 Sept and commenced by proclamation on 7 Oct 2008.

The Aust Citizenship Act 2007 is amended by Amending Act to provide that to be eligible for citizenship under Sections 21(2), 21(3) and 21(4) a person must be a permanent resident at the same time of the application and at the time of the Minister’s decision on their application.

These subsection changes eliminate uncertainty regarding the time at which certain criteria must be satisfied.

**New migration laws introduced**

The Migration Amendment (Notification Review) Bill 2008 introduced into Parliament aiming to ‘clarify’ the way the Imig Dept, the MRT and RRT communicate decisions on visa applications and cancellations has been enacted with effect. The Govt says the Act is needed to reduce applicants using technical errors in the notification process “to delay the resolution of their cases”.

**Trevor’s Diary**

Gay History project; The Library/Museum of Qld have nothing on the History of GLITF, I have attended several info sessions on this. I will send in early minutes on the beginnings of Qld GLITF-1995-96, Gazette’s.

I have attended a number of Workshops on:- Same-sex Domestic Violence issues, report to the State Govt; homeless shelter for males; and the Federal Govt:- New Detention review policies; Citizenship review. Teenage suicide. Several Gay organisations AGM’s. At the 10 Nov MIA-CPD session day at Tattersalls Club, I role played the part of an Aussie wanting to bring in his 3<sup>rd</sup> Russian wife at an MRT mock hearing. These CPD sessions were held at other capitol cities, I was advised that “*I set a very high standard in acting!! Everyone else who played the part my role didn’t come near to me in terms of believability*”!

**Borrowed words of wisdom from Trevor**, when I’m asked who do you admire/look up to? I always reply ‘Dag Hammerarskjold’. Dag Hammarskjold was the 2<sup>nd</sup> Secretary General of the UN and a remarkable man, one who believed fully in UN’s values, purpose and ideals.

Sadly he died in an air crash in what is now called Zambia in 1961 he left us an important legacy of UN activism in world affairs. He also left us some wise words:-

“*Never look down to test the ground before your next step. Only he who keeps his eye fixed on the far horizon will find the right road.*”

I have the UN Medal (Korea) of which I’m very proud!

**Migrants to keep coming?**

Australia's recent high migrant intakes look likely to continue, with the Migration Minister indicating the global financial crisis would result in only modest cuts to next year's program.

Australia's immigration program is at an all-time high following an increase of 31,000 permanent migrants, announced in May.

Overall, Australia is taking more than 200,000 new migrants a year. The largest jump in Permanent settlers occurred under the Howard Govt. In 1995-96, the year Howard won Govt, about 99,000 people settled Permanently in Aust. By 2007-08, that number had increased to 150,000.

Impulsive cuts to the quota might not be felt until well after the present crisis had passed.

No doubt there's a strong link between the economic cycle and people's attitude towards immigration.

**History of GLITF** – 1983 *Over 25 years of Keeping Love Alive* 2009.

**The 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights**

Between 1985 and 1989 gay & lesbian partners of Australian Citizens or Permanent Residents could be granted residency under the Minister of Immigration's discretionary powers; each approval personally signed by the Minister. GLITF was nominated for an Award at the Australian Human Rights Commission's annual Human Rights Medals and Awards ceremony observing a 60<sup>th</sup> anniversary year culminated with the anniversary on 10 Dec 2008.

A win would have been well & truly deserved, sadly/unfortunately we didn't receive a Gong!!

**For your Diary!! Monthly Meetings at Sporties will resume on Feb 12<sup>th</sup> 2009.**

**Don't Forget to advise us of any Change of your Address and emails.**

**The Dept often makes essential and non-essential changes to Forms, ensure you download and use DIAC's current Forms**

**Migration Agents Registration Authority (MARA)**

When I first became a Registered Mig Agent in 1996 we were Registered by a Govt Authority in Canberra.

Since 1998, the MIA has had the responsibility of managing the regulation migration advice service. This was given to the Institute by the Federal Govt following Parliamentary Review entitled "*Protecting the Vulnerable*" (1995) which recommended the regulation be taken away from the Dept of Imig & Ethnic Affairs and set up under a Statutory self regulation scheme. At that time MIA was associated with the setting of standards and compliance for the migration advice profession. This role has not been an easy one for those elected to manage it. It has involved an enormous amount of time, commitment and dedication from successive Boards of the MIA and staff of MARA

It is known that the Minister is opposed to self regulation. He also specifies an intention to have DIAC become responsible for regulation of the profession. A MARA office would be created within DIAC which would be overseen by an independent advisory committee.

DIAC staff have a perceived idea & don't like that most complaints are waived; which in most cases are trivial!

The deed agreement placing the responsibility with MIA ends on 31 March 2009.

MIA and MARA have been subjected to frequent reviews and a great deal of Parliamentary scrutiny over the last 10yrs.

Whilst the MARA has had its critics, there has been much productive and effective work done towards furthering the profession over the past decade.

Any change to the regulatory arrangements should be viewed as a reflection of the current Federal Govt's philosophical position in relation to self regulation. It should not be construed to be necessary because of any actions on the part of MIA or regulated migration advice profession as a whole. Annual published audits confirm this. When MIA took over the task there were around 2,500 registered Mig Agents and now by 2008 numbers are close to 4,000.

**DIAC Annual Report**

The Dept of Immigration's 2007-08 Annual Report is now available at <[www.immi.gov.au](http://www.immi.gov.au)>

**Change in business hours**

The Dept of Immigration is now open from 9:00am-4:00pm Monday to Friday-no longer closing early on Wed.

**Changes to second stage Processing (Stage 2-grant of PR)**

From 1 Oct 2008 the place at which the following visa subclasses processing has changed:

subclass 100 – spouse visa

subclass 110 - Interdependency visa

Subclass 801 – Spouse visa

Subclass 814 - Interdependency visa

If the application was lodged overseas, it is processed in DIAC's ACT and Regions Office (ACTRO). If it was lodged in Australia, it is processed in DIAC's Melbourne office.

**Same Sex relationship legislation changes**

The Govt intends to introduce legislative changes through the *same-sex relationships (equal treatment in Commonwealth Laws-General Law Reform) Bill 2008* (Bill) to remove discrimination against same-sex couples across a range of

Commonwealth laws. These are proposed for mid 2009 and would include changes impacting on immigration.

### **New Health policy for visiting parents**

The requirement for queued parents visiting Australia for 6 months or more to do full medicals has been removed. Instead the usual matrix health assessments requirements will apply.

### **Fingerprinting of asylum seekers**

Recent media reports suggest that fingerprints of asylum seekers in Australia will be included in a criminal data base. The plan will give the National Automated Fingerprint Identification System (NAFIS) access to the Department of Immigration's data base of about 3000 detainee fingerprints.

### **Australian Federal Police fees increased**

From 1 Oct 2008, the Australian Federal Police (AFP) increased the fee on police clearances to \$43 for an individual applicant or \$49 for a commercial entity. (e.g. a migration agent).

If a visa applicant makes an application in their own name and puts the migration agent as the person to whom the clearance should be sent, the fee will only be \$43 unless the payment is made by the immigration agent-on a company cheque.

### **Processing of parent visa applications**

Some interesting information has been provided by the Dept of Immigration in relation to parent visa application processing including the following:

From 1 Oct all parent visa applications (onshore and offshore) will be processed at POPC (Perth)

As at 30 Sept 2008, 3190 Contributory Parent visas had been granted and there were a further 9000 Contributory Parent Visa applicants in the processing pipeline (almost enough to fill remaining places in the 2008-09 and 2009-10 Migration Program years).

Currently the time between lodgement and allocation to a case officer for offshore applications is about 15 months (Parent) and 12 months (Contributory Parent)

### **Introduction of the visa Wizard**

The Dept of Immigration has introduced a Visa Wizard (available at [www.immi.gov.au](http://www.immi.gov.au)) which is an online service to assist people to consider their options across a range of Australian visas. The person must answer a series of questions and the Visa Wizard will then return a list of potential visa types that the person may be eligible for. The visa Wizard is very general in the information it provides and is by no means a substitute for advice from a Registered Migration agent nor should it form the basis for any visa application as the information is too high-level to be relied upon by any applicant

### **JPI & Ors v Minister for Immigration & Anor [2008] FMCA 970 (22 Aug 2008)**

Issues: Health Test; HIV+; Significant cost

In this case an applicant for an Employer Nomination (Residence) visa was refused on the basis that he was HIV+ and therefore would require antiretroviral medication in future which would be a significant cost. The Federal Magistrates Court dismissed the appeal, finding that the Review Medical Officer of the Commonwealth does not have to specify the cost that he considered to be significant for the purposes of PIC 4005. This part of the decision contains a useful discussion on the calculation of what costs are likely to be incurred by an HIV+ person!! *the full text of the judgement can be found on Austlii:www.austlii.edu.au*

### **New Bill to protect overseas workers**

The Minister for Imig, introduced a Bill into the Senate that sets out a new framework to better protect temporary overseas workers in Aust. The amendments proposed in the Bill outline 4 main measures to protect overseas workers from exploitation. These measures provide for:

expanded powers to monitor and investigate possible non-compliance by sponsors (but will he give DIAC more staff??)

the introduction of penalties for employers found at breach of their obligations

improved information sharing across all levels of Govt. Yes!! Big Br is watching; DIAC are linked to HSA (Health Services Aust), Centre Link, Taxation Office and more!!!

defined sponsorship obligations for employers and other sponsor

### **Youth Day pilgrims seek asylum**

Sydney's Asylum Seeker Centre said 20 people have sought asylum following World Youth Day. The Centre is assisting the asylum seekers with accommodation and other support services while their claims are assessed. It is expected that more applications for protection will be lodged with DIAC before the three-month visas issued to pilgrims come to an end.

### Asian Human Rights Commission – Urgent Appeals Programme

The Asian Human Rights Commission (AHRC) has received information from Hingora Jamat Karachi that dozens of Pakistanis have been detained with their children for several months in India for allegedly forging their visas. However, it is reported that those visas issued by High Commission of India, Islamabad had been overwritten by agents in acquiescence of Pakistan authorities. The Pakistan authorities have failed, so far, to take any action for their release or address the corruption in the process of visas, which cause other possible arrests for the same reason. The number of Pakistani passengers holding such type of visas with cutting and overwriting has increased over the last one to two years due to the activities of the ‘agents’. Meanwhile, it is also reported that those who pay a good sized bribe to the Indian authorities are allowed to go with overwritten documents. The AHRC obtained a list of 61 people out of hundreds who are currently in detention for alleged forgery of visas that have been authorised by Pakistani authorities at the time of receiving them. The people of Pakistan with these visas have been detained in three jails in India.

### Quote of the month

Those who think they can; and those who think they can't.... are both right!; **Henry Ford 1863-1947**

**Flashback** gay newspaper **Brother Sister** issue 176 June 30, 2000

### Gay immigration under fire.

According to a prominent Queensland migration agent there is mounting evidence that the Minister for Immigration, Philip Ruddock, is contesting favourable gay-related decisions.

Trevor Robinson, JP, says the Minister appears to be challenging any case where refugee status has been granted in cases involving homosexuality or where the applicant is HIV positive.

Recently a 41 yr old Chinese man who was granted refugee status had his decision overturned when the Minister successfully appealed to the Full Bench of the Federal Court.

The Chinese applicant, known as “Simon” was imprisoned for 3 months in 1993 after Shanghai police found him kissing and cuddling his boyfriend in a park.

“Simon” has been living in Sydney since 1996, and if deported will face certain imprisonment in China.

“Perhaps the Minister will get some strange delight in knowing he has sent yet another homosexual to jail for a crime that is not recognised in Australia.” Trevor said.

Trevor, who works as a migration consultant for the GLITF (Gay & Lesbian Immigration Task Force) hopes that having won the legal battle, the Minister will now show sufficient humanitarianism to grant “Simon” a permanent visa to stay in Australia.

Trevor also told *BrotherSister* that he feared the Minister was undertaking a systematic campaign to challenge every successful granting of refugee status where homosexuality was an issue.

Trevor said, “He even on record as saying that if gays remained in the closet, they wouldn’t be persecuted and need to apply for refugee status.” He seems, as does the Prime Minister, to be homophobic”, Trevor said.

The NSW GLITF is considering employing a researcher to track decisions to confirm suspicions that the Minister is indeed appealing every decision that is gay or HIV related.

### Sex for visa leads to jail

An Officer of the Brisbane Immigration Dept told a woman she had to have sex with him if she wanted a visa for her boyfriend, a court has heard.

Afshin Abolfotouh, 41, was jailed for 18 months in Brisbane District court 8 Dec 2008 over the indecent proposals he made to 27yr old Chinese national Qiao Liyuan in late 2007.

The court was told Abolfotouh was working in the Imig Dept when Ms Qiao contacted him about an application she had made to obtain a visa for her boyfriend.

Abolfotouh propositioned her on the phone, telling her the application was weak, but that could ensure it was approved if she had sex with him.

The Court was told he continued to make contact with her for more than a month before they finally arranged to meet at her home in Brisbane’s south.

When Abolfotouh arrived at her house he was arrested by police, who had been monitoring phone calls between the two after Ms Qiao complained about the handling of her application.

The Court was told Abolfotouh who had come to Australia as an Iranian immigrant in 2004, was suspended from his job and had since resigned.

Abolfotouh pleaded guilty to one count of receiving a corrupt payment.

He was sentenced to 18 months’ jail but he will be released on a good behaviour bond after serving three months.

**Footnote:** Afshin kindly attended our 2007 AGM held at Riddlers Restaurant on 22<sup>nd</sup> May 2007.

He is pictured in our Newsletter with John Turner and myself on page 2 of my June 2007 Gazette.