



The Gazette

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



Trevor Robinson's
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In This Issue

Many items of
interest to those
concerned with
migration

GLITF

Migration

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Meetings

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

Kinder words for DIAC

The work load for the Dept of Immigration staff is enormous, it is understaffed and overworked.

Amazingly DIAC processes 12,000 applications for visas every day, relating to 140 different visa categories. Exciting news and refusal notifications are issued from around 80 offices in Australia and overseas.



John Turner, Trevor, Lyn, Denise Maxwell, Shontelle at Sportsman's 8 Nov 07

Asian Migration will alter our cultural ties

China and India now contribute the majority of Australia's migrants.

Most of us would probably think that most of our immigrants come from Britain or New Zealand, by one definition this is correct, however....many leave Aussie to live Overseas.

To December 2006, the biggest contributing countries were Britain 23,300; New Zealand 20,300; and India 7,100.. cricket *tragic's* rejoice!

Counter balancing the 23,300 Brit's we imported, we exported 12,400 Aussie residents Britain.

Then we have long term visitors such as backpackers, business people, students & temporary workers who spend 12 mths or more here. For example; 34,700 British residents arrived in Aussie as Temporary residents and flowing in the opposite direction 43,400 Australians left for Britain for at least 12 mths.

In the table below Britain doesn't even rate in the top 10 nations contributing to Australia's net migration gain.

Australia's net migration gain flow for the calendar year 2006.

Net Gain

1. China 31,500
2. India 29,300
3. Malaysia 10,100
4. South Africa 9,100
5. South Korea 9,100
6. Philippines 8,400
7. New Zealand 6,000
8. Indonesia 5,400
9. Sri Lanka 5,300
10. Vietnam 4,200

Net Loss

1. USA 9,500
2. UAE 3,800
3. Singapore 2,600
4. Canada 1,300
5. Hong Kong 1,000

Fee Free visa for World Youth Day

World Youth Day pilgrims' visa application charges will be waived when they visit Australia in July 2008. A memorandum of understanding signed by the Assistant Minister for Immigration and Citizenship and Cardinal Pell, will simplify the visa process for pilgrims. About 140,000 international pilgrims are expected to visit Australia for World Youth Day on 20 July 2008.

GSM applicants – bonus points

Until recently, GSM (skills) applicants qualified for 5 bonus points for capital investment in Australia.

Applicants who deposited \$100,000 in a nominated deposit for a term of at least 12 months under Part 8 of the Schedule 6A General Points Test were eligible for the extra points.

Certain State and Territories Gazetted government bonds for this propose.

However, from 30 Nov 2007, the Dept of Immigration advised that no State or Territory is participating in the arrangement, following reports of a "scam" involving unauthorised loans to some applicants.

This leaves many new applicants who cannot now fulfil the capital investment requirement that would qualify them for the GSM visa.

Mr Gay India

Posted on January 27th, by Sanjukta in law, Sex

Mr Gay contest 2008 results are out. India is not a winner, 33yr old Carlos Fabian Melia from Argentina is. However for the Indian gay community and other gender benders, Indian contestant, 26yr old Mumbai based model Zoltan Parag is no less than a winner. Zoltan may not have won the contest but he sure did make a lot us proud.

I admire Zolan's guts to come out with his sexuality and to be the first Indian to participate any such contest given that he might well be booked under the criminal law of the country. Many at the contest thought Zoltan stood a good chance merely because of his courage alone.

I wanted to know more about Zoltan so I googled for him. Used various combinations, but couldn't find any significant information except a few repetitive lines. Found this blog post where the author has spoken about Poornima Advani's homophobia and found a few news articles.

Being a new media evangelist, I expected this invisible section of our society to express themselves freely through blogs. But I couldn't find many quality blogs to be honest. One reason could be that they are yet to explore blogs as a medium. The other of course is the social stigma behind being homosexual.

Indian Homosexuals are an invisible bunch of people. Coming out with homosexuality is threatened with criminal prosecution and social ostracism.

Section 377 of the IPC criminalize homosexuality, Not in that term but in effect. It reads:

"Whoever has carnal intercourse against the order of nature with any man, women or animal, shall be punished with imprisonment for life".

The words "against the order of nature" can be interpreted in a number of ways. but it is mostly interpreted as anal sex. It also penalizes sexual acts like oral sex, regardless of whether it is heterosexual or homosexual; even penile masturbation of one person by another – is considered criminal (basically they wanted to penalize everything that is not missionary / Victorian penile vaginal penetration meant for procreation)

A non legal person often wonders, "how would the law (police, court) ever find out what two people are doing behind closed doors?" The thing about criminal law is that, a prosecution can be initiated on a third party complaint.

Which means even if the person reporting the crime has got nothing to do with the victim or the oppressor the police is bound to take an action, and the *third* party complaint might well be by the *police* itself.

In some of the most horrendous incidents of police brutalities, queers from the lower class and caste have been humiliated and tortured by conducting anal inspection on them to determine if the said crime have been committed. For the police, one of the easiest way to extort money out of a gay couple hanging around the Ulsoor Lake area would be – a threat to arrest under this section. Funnily, there have been reports of gay sex workers being raped by hetero-sexual police 'men'. It was only recently that queer activists in India raised a protest against this 150 yr old law introduced by the British Raj. In December 2002 Naz Foundation filed a Public Interest Litigation (PIL) to challenge the section in the Delhi High Court, on the grounds that, by prohibiting private, consensual sex, the section violates the right to privacy.

It has been a long standing trend, not only just in India but all across the Globe, to wrap rights related to sexuality under some health issue before they can be sought and lobbied for.

For the first time, through this petition, a right based on approach have been taken in queer activism. The text of the petition and other legal developments can be found in Lawyer's Collective's website here. The petition got significant support from various Delhi based NGO's who eventually formed into a coalition called voices Against 377.

The social ostracism queers have to face is even worse than police torture. There prevails a blanket homo-phobia in the society, more particularly amongst patriarchal hetero sexual man whose man-hood is his honour (which basically is his D&\$). This 'man' refuses to recognise a gay as 'man'. A gay is called by names, looked down upon, made fun of, looked at with suspicion. For an heterosexual man the idea that a man can be physically attracted to another man is scary and disgusting. I often hear they say, "*what if he feels me up*", and I am talking about urban, English speaking men here. The other day I was talking to a friend whose socio political understanding, outlook and inclination earns a huge amount of respect from them but it made me sad to know he is a homophobic. And I just cannot come to terms with that. This homo-phobia leads to social ostracism. Like he said, he wouldn't not be friends with a gay, says he won't even like to be seen hanging around with a gay.

I don't know what the RSS thinks about this law, but to me this law is more against the Indian culture than protecting it. Homosexuality have always been a part of Indian culture. One can find mention of the transgender Shikhandi in the Mahabharata. Yet it is so difficult being a homosexual in India. If anybody has any knowledge on what stand RSS/BJP has on Section 377 please share with me. I am curious to know. *Queer India* by Nitin Karani. <www.gaybombay.info>

Oppression can only survive through silence!

MIA/DIAC Liaison Meeting 7 March.

Trevor as Secretary along with the Qld Executive Com'tee of MIA met with DIAC's State Manager, Damien Carmichael and senior staff for most helpful discussions.

30 years of marching for Equality

Michael from NSW wrote of not being able to receive the Bereavement Allowance on his partner's death 4 weeks ago.

Lyn from UK was astounded to discover that a person with a same-sex partner on a 457 visa wanting to change to another type of visa would have to choose between their love for Australia and their love for their partner.

Susan and Amanda from W.A. together for more than 25 years, told the Attorney General of their decades-long wait for superannuation equality.

As we celebrated 30 years of the Mardi Gras parade recently let us remember what started this world-renowned event in 1978.

We marched then to stop the arbitrary arrest of gays and lesbians, against police brutality, to be proud of whom we love, and above all for equality. Now, we march with police, we march with the Defence Force, and we march with parents and friends, Anglicans, Jews and with the Federal Human Rights Commissioner to celebrate who we are. So when Archbishop Philip Jensen writes about the "*shame*" that we gays and lesbians would feel, we say, strongly that the only thing we should feel ashamed about it's the continued discrimination that our community faces.

Immigration & refugee issues

The Immigration Minister Chris Evan's Speech to The 2008 National Members' Conference Of The Migration Review Tribunal And Refugee Review Tribunal's on 29th February 2008

Chris Evans

Thank you, Denis, for your kind words of introduction.

It is a pleasure to speak today at the 2008 members' conference.

Noting that the theme of the conference is *towards a better understanding*, I thought it timely to share with you today my

experiences as minister so far on my journey towards a better understanding.

We have now almost reached the milestone of the Rudd Labor government's first 100 days and a lot has happened. To be honest, it seems much longer.

While I arrived in the portfolio with little experience in broader migration policy, I did have direct experience in pursuing the then minister, Amanda Vanstone, during senate estimates in 2005 over the Vivian Solon and Cornelia Rau cases.

It was probably one of the most chilling moments in my life when a departmental official told me at a senate estimates hearing that the department had deported an Australian citizen – Vivian Solon – and done nothing about it.

You can understand a mistake being made but to take no action to rectify it was incomprehensible.

I knew then that public administration in Australia had reached an obscene low water mark.

The Solon and Rau cases came to symbolise the problems that beset the immigration department under the policies of the previous government.

I don't wish to be too political but just as it was clear that the department of immigration required root and branch cultural reform – but so too did the political leadership. The department's culture had grown in an environment where people thought: that's what the government wanted from them.

The challenge for the Rudd Labor government – and me as Minister for Immigration – is to continue the cultural change that has begun in the department and provide the political leadership that restores integrity and public confidence in our immigration system.

Since being sworn in as minister, my 88 days in the job have been largely focussed on dealing with legacy issues – the many highly regrettable matters that remained unresolved.

The resolution of Dr Haneef's visa status was one of my first acts and the inquiry into his case is important to restoring public confidence in our anti-terrorism laws.

I was pleased to announce last week that Cornelia Rau's lawyers had accepted an increased offer of compensation on her behalf.

Editors Note: Will the Com'Wlth Govt be reducing Premier Bligh's budget? to make up for the Taxpayers loss thanks to Peter Beattie closing the mental institution? Ms Rau would not have wandered lost around Qld for over 3mths & ended up in Baxter detention Centre had Beattie not closed our Mental Institutions, as had did Rann in S.A.

This was obviously an horrific and traumatic experience for Ms Rau and one that demanded a generous, compassionate and swift response from government.

The case of Tony Tran, who was wrongfully detained for five years and assaulted whilst in detention, was a priority on coming to government and I moved swiftly to grant him permanent residency.

Just last weekend I granted a permanent resident visa to Robert Jovicic – the man who you might remember had lived in Australia since the age of two but was deported to Serbia where he became destitute. Although he was allowed to return to Australia, he was effectively stateless and could not access Medicare and other benefits.

Editors note: How would you liked to have been one of the 250 families who came home to find their home robbed by Jovicic to "feed his drug habit? After the initial shock of the personal invasion have to call the Police, your insurance Coy, replace the items, etc!!

While it is good to allow Cornelia Rau, Tony Tran and Robert Jovicic to get on with their lives, unfortunately their cases represent just the tip of the iceberg of the many regrettable immigration matters that were left unresolved due to the policies and politics of the day.

I am not just referring to the Commonwealth Ombudsman's 247 cases, or over 2000 ministerial interventions awaiting resolution.

The major labor policy commitment in my portfolio was to end the former Howard government's discredited Pacific Solution. That was a shameful and wasteful chapter in Australia's immigration history. It was brought to an end earlier this

month when the last of the six Burmese and 82 Sri Lankan refugees on Nauru were resettled in Australia. The centre on Nauru is scheduled to close by the end of March.

They had been classified as refugees but had been left languishing on Nauru, with no end to their ordeal in sight.

The Pacific Solution was rightly criticised for seeking to shift our international responsibilities onto developing countries – when we should have been standing up and shouldering those responsibilities ourselves.

It was also an egregious waste of taxpayers' money. For six years, almost \$300 million*** was spent by the department alone on supporting asylum seekers on Nauru and Manus Island.

*** **Editors Note:** Not a total waste at all-just Labor Party Political one-up man ship!!! Nauru is broke; The Aust Govt-Taxpayers would have had to given Nauru, (just as is does PNG) grant payments & AusAid money.

That works out to about \$130,000 a year per detainee or \$2,500 per person, per week.

Between September 2001 and June 2007, a total of 1637 people were detained, of which 1153 (or 70 per cent) were ultimately resettled in Australia or other countries. Of those resettled, more than 60 per cent (705 people) were resettled here in Australia.

Not only was the policy morally wrong and outrageously expensive – it failed. Despite the rhetoric, the majority of people detained on Nauru and Manus were found to be refugees and resettled in Australia. So despite the rhetoric, those people eventually came here.

There remains much to be done in resolving immigration legacy cases – many are not easy and many will fall to you at the tribunals.

Dealing with these legacy issues is vital in allowing us to rebuild confidence in the integrity of our immigration system.

The 2005 reforms to detention practices have made a huge difference and those members of the previous government who instigated those changes deserve credit. I intend to continue that reform process.

There is, however, a new agenda to be pursued – one in which I hope we can all take great pride in.

Immigration is central to the nation's sense of identity: how Australia develops, manages and implements its immigration policies and citizenship program directly reflects what we value as a people, and how we think of ourselves as a nation.

Australia is a country of migrants: at least four of the government's 20 cabinet ministers and three of the leadership team are migrants.

It reflects the fact that in a population of almost 21 million, some 45 per cent were either born overseas or have at least one parent who was born overseas.

This means that nearly half of all Australians have been touched directly by the migration experience and have faced the challenges of building new lives; and, in that process, making our nation a richer place.

Over the coming years, answers to many of the great challenges facing Australia will be found in our immigration policies.

The Rudd government is committed to developing world class, globally competitive migration and population policies that address key economic and social needs, as well as longer term demographic challenges.

Immigration policy is one of the key measures in the Rudd government's whole-of-government strategy to meet the skills needs of the Australian economy, and place downward pressure on inflation.

There are two main ways of bringing people with skills into Australia – the permanent migration program and the temporary migration program. I have recently introduced new measures in both programs to help ease skill shortages.

These include allocating an extra 6,000 permanent skilled visas to the skill stream of the 2007/2008 migration program, which will bring to 108 500 the total number of permanent visas granted under the skill stream of the current migration program.

There are, however, concerns about the efficiency and integrity of the temporary skilled migration 457 visa system, which has experienced rapid growth in recent years in response to labour market needs.

We are in the process of reviewing the 457 visa system because the key to its success ultimately lies in ensuring there is public confidence in the integrity of the scheme.

I recently established a three-member external reference group to address the widespread concerns about our capacity to rapidly start up new and significant projects with skilled workers.

Domestic economic and demographic needs will not be the only major source of pressure on Australia's immigration policies. Challenges of war, poverty and climate change will pose additional and urgent demands on our programs.

In this global age, the unprecedented scale of people movement poses significant challenges to government – in getting the balance right between the economic and social prosperity that immigration brings while making sure national borders are safe and secure from external threats.

The government is committed to strong border security, tough anti-people smuggling measures and the orderly processing of migration to our country.

Australians can feel confident that we have in place and will maintain strong border security measures.

People smuggling is a deplorable crime that puts lives at risk, undermines Australia's border security and weakens our immigration system.

This government will continue to look at ways to prevent, deter and enforce compliance to preserve the integrity of Australia's migration program, while treating individuals humanely.

One of the first things that struck me when I took on this role was what extraordinary powers I had as minister. The range of powers from determining the character of a person – such as Dr Haneef – to the deportation of long term residents with criminal convictions – to whether or not a new born baby can be allowed to live with its mother in community detention.

All those things come to the minister.

When I expressed concern at how much power I am able to exercise and my discomfort at some of those powers by alluding to playing god, many were flabbergasted.

A politician complaining about having too much power – unbelievable!

On close examination, it became clear just how much the minister's involvement in individual case decision-making had expanded over the past decade.

In 2006-07, over 4000 requests for ministerial interventions were received by the department.

This was a massive increase from previous times.

For example, over a two-year period, minister Jerry Hand handled just 81; Senator Nick Bolkus handled 311 in three years, and Philip Ruddock intervened on 2513 occasions from 1996 to October 2003.

No other minister has such powers.

You would not expect the minister responsible for social security to make decisions on an individual's pension or the treasurer to decide on your tax return, nor would the public accept such intervention as appropriate.

The number of appeals to the minister has increased to the point that it has now become part of the process, rather than being a check on the system.

I am not afraid of hard work. But there are now more than 2000 appeals for ministerial intervention in the system. That is staggering.

Appeals to the minister have become institutionalised as part of the process. Many are using the process of ministerial intervention not only to overcome decisions taken elsewhere but also to delay their removal from Australia.

Yet ministerial intervention offers no guarantee of fairness.

While tribunal members and judicial officers make their decisions and judgments in accordance with appropriate guidelines – decisions and judgments that are, in turn, open to review – there are no strict guidelines for the exercise of ministerial discretion.

There is no way of really knowing what factors influence the minister's decision in individual cases.

And there is no avenue of appeal from a bad decision, and no way to prevent an abuse of power.

There is no consistency in the decision making because different ministers have different personalities and different ways of thinking.

I'm sure that no one is more acutely aware of the minister's powers than the members of the tribunals as it is your decisions that I am often asked to overturn.

I'm told that part of the reason for the enormous expansion in ministerial interventions was the frustration of previous ministers with the decisions of the tribunals and the courts. In order to better meet the demands of the community and address the concerns of the alleged "soft" attitude of the tribunals and courts, former ministers took decision making into their own hands.

Maybe it is because I am new to the portfolio but my inclination is to support independent, transparent and appealable decision making in the resolution of immigration matters.

Such processes should provide better and more consistent outcomes.

The minister **does need** to retain the ability to make some decisions: clearly, decisions need to be taken to protect the national interest and offer some resolution in extraordinary circumstances but I am not sure there are 4000 of those each year.

And if we are to limit the ministerial propensity to intervene, it is essential that there be public confidence in the legal system's ability to provide just and speedy outcomes in migration and refugee cases.

That means government must ensure that the tribunals and courts are properly supported and operate under clear principles laid down by parliament.

We must deal with the problem of endemic delays that currently plague the system – we must develop more streamlined, efficient processes.

We must ensure procedural fairness and access to the appropriate representation.

We must ensure that decisions are not prevented from being carried out because of excessive appeal processes. I was amazed to find myself dealing with cases of people who have been in the system for years and years.

For me, the first step in addressing issues of integrity, confidence and efficiency in our immigration system is to get a good understanding of how the current arrangements work, or don't work.

I want to understand the system before I start tinkering with it. I like to know what is actually happening and understand what the problems are before I attempt to fix them.

It is easy to become fixated on preconceptions and anecdotes, which may bear no resemblance to reality.

That is why I asked the department to prepare an analysis of how people move through various stages of the immigration system.

What is surprising is that so little analysis has been done previously.

Some initial findings from the department's analysis are interesting.

Looking at a cohort of 1000 protection visa applicants from 1999-2000, the department found:

- 122 were ultimately granted a protection visa;

- Seven remain unresolved (8-9 years later);
- 58 per cent of the remaining 871 unsuccessful applicants had departed Australian within 12 months of their application;
- Almost 9 per cent of unsuccessful applicants had taken four or more years to depart, presumably after seeking various reviews of their initial decision;
- Approximately 10 per cent of unsuccessful applicants simply disappear and become unlawful in the community.

This is only one snapshot from the initial findings and more work needs to be done in further breaking these figures down and looking at later cohorts and at different visa categories.

But the preliminary figures I have just mentioned do suggest that the system does become focused on a relatively small proportion of applicants who are very resource intensive, while the majority (almost 60 per cent) of unsuccessful applicants depart relatively quickly in less than 12 months.

The final report will form part of the basis for future initiatives to cut red tape and develop the most efficient processes possible to ensure that the immigration system produces good quality, fair decisions that stand up to external scrutiny.

You may be aware of labor's platform commitment to establishing a refugee determination tribunal.

This is a long-standing commitment, introduced several years ago when unauthorised boat arrivals, refugee processes and detention of asylum seekers was very much front-page news.

The ALP platform provides broad guidance to government; however, decisions regarding implementation are ones for the government and the minister.

It is early days yet, but I want to assure you that the government will want to consult widely before any changes are made, and I would welcome any suggestions tribunal members might want to put forward.

In conclusion, I want to say that the government is appreciative of the work of the Tribunals, which are vital to Australia's refugee determination program and to its migration program.

The tribunals play a vital role in ensuring Australia attracts international regard for its refugee and migration processes and continues to deliver on its international responsibilities.

I would like to say to the members, you each carry a significant responsibility for ensuring that correct and preferable decisions are made in respect of peoples' lives – in the case of the RRT, the lives of some of the most vulnerable and desperate people in this world.

Yours is not an easy job, and I am aware that you work in an extremely difficult decision-making environment.

Not only do your decisions face intense public interest and regular judicial and ministerial scrutiny, but you must also come to terms with ongoing developments in the legal and policy frameworks in which you operate.

I am aware that the Tribunals have been implementing some very positive changes in recent years to your organisational culture and work practices.

In particular, I was pleased to note from the principal members' latest 90 day report that you have made strong efforts to meet the statutory 90 day time limit for RRT reviews. I also note that the MRT's timeliness in conducting reviews has improved.

We must continue to strive to reduce the number of cases on hand at both Tribunals.

Successful organisational change is not an easy thing to implement, and I congratulate you on your efforts to embrace change, and the new efficiencies that you have achieved.

I certainly hope that you can keep up this energy for reform in the coming years.

As a nation, we have grown through successive waves of migration. People who were ultimately accepted have now become part of who we are.

Moving into the 21st century, we again face the need for migration policies that meet the needs of the Australian economy, while maintaining the support of the community.

It is my hope and responsibility that Australia can put behind it the divisiveness that has characterised the immigration debate in recent years and rebuild a political consensus.

The divisiveness in recent times has been to the detriment of the migrants and refugees as they are the people who ultimately lose out.

I hope that we can put some of the divisiveness behind us and take the politics out of immigration. There are many challenges ahead for all of us and I look forward to your help.

Passport: Gender: Transsexual

Abrams and Minister for Foreign Affairs and Trade [2007] AATA 1816

The Administrative Appeals Tribunal (Tribunal) set aside a decision of the Dept of Foreign Affairs and Trade to refuse to issue the applicant (a male to female transsexual) with a passport that identifies her as female. The Tribunal stated that a female to provide a birth certificate from the Registrar of Births, Deaths and Marriages that records her female gender is not a valid ground for rejecting her passport application where the obtaining of the record is prevented by state legislation, and where the obtaining of the record is prevented by state legislation, and where her identity can be satisfactorily established by other means. According to Section 32B of the Births, Deaths and Marriages Registration Act 1995 (NSW), Ms Abrams was unable to obtain an alteration of the record of her sex because she was married. However the Tribunal was satisfied that the applicant underwent gender re-assignment surgery and assumed female gender. The Tribunal directed the Minister for Foreign Affairs and Trade to issue the applicant a passport that noted her female gender.

Gay Refugee granted Visa

Motahar Hussein should be granted a protection visa after the Refugee Review Tribunal accepted he was a homosexual and faced persecution in his home country, which is Bangladesh.

At the successful RRT hearing on Fri 31 Aug the result came after 3 years of fighting for asylum, including two previous Tribunal hearings and a Federal Court appeal.

“On the whole the Tribunal is homophobic, but on this occasion they accepted I was homosexual and I would face persecution if sent back” Hussein said. Hussein went on to say *“he feared jail time under Bangladesh legal code, which prohibits “unnatural acts” including advocacy of gay rights”*.

Hussein remains on Bridging visa and cannot work until the ruling is finalised.

Greens MLC Sylvia Hale has provided him in housing since he was released from the detention centre. Hale said, *“It’s difficult enough for people to come out in a relatively open society such as Aust, let alone under the pressures of a Muslim or Islamic community”*.

Hale said there was considerable evidence of Hussein’s activism that would be difficult to hide. Recently two former Bangladesh leaders were jailed for political activity.

Spokeswomen Rachel Evans for Community Action Against Homophobia, CAAH said, *“It’s a pity the RRT rulings don’t create precedence because this would help all the queer refugees”*.

CAAH is also campaigning for queer refugee applicant Ali Humayun to be released from mandatory detention until his case is heard against DIAC in the Supreme Court late in Sept.

As I have repeatedly said we had hoped after the High Court decision 4 year ago now ruled in favour of a Bangladeshi gay couple that the path for gay refugees would have been so much easier.

The Gay & Lesbian Rights Lobby is developing sexuality awareness training for RRT, a spokeswoman for the RRT said the training sessions would be conducted in the coming months.

Gay couple win Tribunal Appeal.

Egyptian born Mohamed (Mike) Sarhan won recognition from the RRT on 18 Sept, the same body that previously accused him of faking his homosexuality to obtain asylum.

The ruling on 18 Sept by RRT Member Susan Pinto accepted that Sarhan was gay and had a genuine fear of persecution in his home country because his sexuality was known.

Susan said the Tribunal accepted that in Egypt homosexuals face mistreatment amounting to persecution, describing ostracism from families, vilification in the press, harassment in public agencies, arrests and physical harm. Susan accepted that if Sarhan were to return authorities would discover his homosexuality and he would be at risk of human rights abuses and serious harm.

Susan rejected an argument previously used to deny refugee status to homosexuals, that the applicant could relocate to another part of the country to escape persecution.

Mohamed’s Australian partner Brad said it was astounding that two different RRT Members could rule so differently on

the same evidence.

The Gay & Lesbian Rights Lobby is writing a report for the RRT on sexuality issues and has used Sarhan's original hearing as an example of getting it wrong.

Training for RRT Members on sexuality issues is expected to start in October.

No Gays in Iran

Iranian President Mahmoud Ahmadinejad as an invited guest speaker at the Columbia University in USA said, "*Iran did not have any homosexuals*" lost amid the roar of laughter that accompanied the claim he went on to say, "*I don't know who's told you we have this*"!!

Editors note: It's true, as Mahmoud Ahmadinejad says, there are no gays in Iran. He has driven most of them underground or into exile. The rest he has hanged on trumped up criminal charges!!

..... and "*I'm one of those people Iranian President Mahmoud Ahmadinejad says don't exist. I'm a 25-year old Iranian, and I'm gay.*" – "Amir" from Tehran exposes himself to the Washington Post.

In Iran males & females are segregated in schools and buses, therefore many are perceived to be gay.

I heard an interview on ABC Radio an Iranian living overseas who was living in Iran when his boyfriend was arrested by the Govt, so he left overseas. The slightest hint that you may be gay, if witnessed, maybe only, just kissing, sleeping together you are executed.

Letter of Appreciation

Dear Trevor, Just a quick e mail to follow up from our telephone conversation-I'm happy to report that Michael's application for permanent residence has been approved, yippee, after 2 years the news is fantastic and it wouldn't have been the case with out your support and GLITF's dedication to the Gay Community at large – we have now been together 5 years and have known each other for 9 years our relationship has truly blossomed during this period. We are planing our future out together with big plans for house, car and travel which is all going to be fun doing it together.

I would say to people out there who are going through the same process that Michael and I have gone through, all though at times it may be frustrating and the paper work never ending if you truly love each other then its all worth doing-and having Trevor and his team beside you does make all the difference-and to that Sorry Trevor for the phone calls and some of the idiotic things we might have asked of you but you sorted out our confusion and always put us on the right track-THANKYOU.

We intend to stay members so keep us involved-and hopefully when we get to Brisbane again we will catch up with you, Many Thanks, Ian and Michael

Editor's note: for our readers, Michael and Ian live and work on Palm Island, so all GLITF's help and assistance was by Ph calls and e mails. you are both very welcome, I was thrilled to help, I finally met them when Ian rec'd an award-medal from the Governor at Govt house in Bardon. Ian sheltered the Islander's during the Palm Island riots.

Dear Trevor,

For the wonderful you; ...who give from their hearts in thoughtful and unselfish ways, so willing to help out, be there no matter how busy their days... people you can count on, whose wisdom and caring ...

Thankyou so much please accept our deep appreciation for your strong support during 2005 and beyond.
from Mark & Billy.

Men get 7000 lashes for Sodomy

In the Kingdom of Saudi Arabia (*O how ineffably wise is Sharia Law!!!!*)

From correspondents in Riyadh, Saudi Arabia, 4 Oct 2007.

Two men in Saudi Arabia have been sentenced to 7000 lashes each after being convicted of sodomy and have received their first round of punishment.

The men, who were not identified, were meted out an unspecified number of lashes in public in the south western city of Al-Bahah in the evening of 2 Oct, the *Al-Okaz* daily reported.

They were returned to prison where they are to be held until the full punishment is completed, the newspaper added, without saying how many sessions this would involve.

Homosexual acts are illegal in Saudi Arabia, which metes out strict punishment based on sharia, or Islamic law.

Rape, murder, apostasy, armed robbery, and drug trafficking can all carry the death penalty in the kingdom, with public beheading the common form of execution.

Editors note: *we hope this information is part of the RRT/MRT Members training course!!*

Citizenship Test so easy for over 80%

Of the 297 tests conducted in the first week 83% of aspiring Australians passed the new citizenship test. Candidates are

asked 20 multiple choice questions on Australia's history and way of life, including 3 mandatory questions Those who failed struggled most with the questions on rights & privileges.

Of the 51 who failed, 28 did so because they did not pass the mandatory questions. The 3 mandatory questions on values, focus on things such as whether or not men & women were regarded as equal or whether people are free to practice any religion they chose.

The most commonly spoken language after English in Queensland is Chinese.

The media has made a fuss over Don Bradman, "our famous cricketer"; he is not one of the questions, he is mentioned in the explanatory notes.

Employer Nomination 457 visa

The press and Unions have long complained about this visa. In so many areas without it Industry would collapse, our acute skills shortages in so many areas, including, Doctors and nurses would be far more serious without this visa.

Before approval for the grant of this visa an employer must agree to pay a minimum salary of over \$40,000, provide medical insurance, etc as part of the employment package.

Therefore it was with horror I learnt of a 24yr old Indian chef Anbalagan Rajendran who arrived in Australia on 1 June 2006 to be employed by 44yr old Mr Rasalingam at one of his chain of *Star of India* restaurants; this one located in the Blue Mtns, NSW.

The recruited young chef was placed in "forced labour", not being properly paid or adequately housed and had his passport confiscated.

Anbalagan was forced to work as a kitchen hand almost every day for 6 weeks from 9:30am until 11:30pm and not even provided with a proper bed-he had to sleep on the hallway floor, he was offered \$50, here, \$20 there, he rec'd no proper payment for his work. With no money and passport what was he to do?

Mr Rasalingam warned Anbalagan he would be sent home if he complained to the authorities. When the Federal Police raided his Glenbrook restaurant they found official immigration documents relating to an offer of employment as a cook.

Our Overseas Embassy's workload

4.7 million Australians travelled Overseas last year.

More and more of Embassy staff time is spent assisting our citizens.

Our O/seas Embassy's assisted 25,000 Aussies seeking support at 152 different Embassies.

A huge additional demand on our Consul staff.

MIA National Conference - 19-20 Oct 2007

The National Conference was held at the Gold Coast, there were some interesting speakers:

John Ryan, the chair of Canadian Society of Immigration Consultants spoke to us about the role of Registered Migration Agents/Consultants in Canada.

In Canada the amended Act of Law (Immigration and Refugee Protection Act) under which they operate, was adopted in 2004 by the Govt of Canada. That makes them a very new regulatory authority.

Currently the SCIC has 1,121 certified immigration consultants. This year they have 22 new members and 461 students studying to become immigration practitioners.

Prior to 2004 they had no official standards for competent practice. Worse still there was absolutely no protection for the seeker of counsel on immigration matters, if things went wrong it paved the way for constant abuse at the expense of immigrant and refugee communities.

So in these last 3 yrs we have worked diligently to establish CSIC and make it the effective policy making regulatory body that it is today. It has been a daunting task to say the least, but we are extremely proud of the road travelled so far:

Some facts:

- * Every year, approximately 270,000 immigrants come to Canada to settle
- Of this number the largest group come from China 13.2% followed by India 12.2% and thirdly the Philippines 7%
- Most migrants settle in three distinct regions of Canada, Toronto, Montreal and Vancouver even if plans and programs are in place to encourage them to spread out. For example, the province of Alberta, in the western part of Canada, is experiencing record growth right now and is certainly attracting more and more immigrants as its manpower needs grow by leaps and bounds.
- In fact, recent Census data shows that by 2030, the only growth in the Canadian population will be coming from migration. (a similar story in Aussie)
- This is significant as the population gets older and human resources become scarcer. Already they are experiencing acute shortages in some trades and professions.
- To settle in Canada, more than 50% of migrants are represented by paid counsel as they navigate the immigration system.
- While SCIC are the main organisation that regulates immigration consultants (advisers) in Canada lawyers and no-