



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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FOR YOUR DIARY ANNUAL GENERAL MEETING Monday 16 May 2011 at Sportsman Hotel main dining room

Formal meeting commences 7:30pm

Refreshments: from 6:30pm

Paul (Neil will be "overseas" on holidays in Tasmania ☺) and his staff will be circulating with a delicious selection of refreshment food, together with red or white wine and orange juice. Our grateful thanks to Neil McLucas and Paul who have reserved the main dining room for the GLITF AGM. **Please come along and meet our VIP guests.**

For GLITF Qld to continue to assist future Gays & Lesbians who fall in love with someone from overseas, it is vital we have your continued moral and financial support.

Note: To have full voting rights at the AGM you must be a financial member before the meeting comes to order. Appointed members will be at the entry to the dining room to receipt membership renewals. Non-financial members and friends are welcome to attend-Please join us. The current membership renewal fees are set at \$60 and \$35 for a single.

Remember there will be no normal 2nd Thurs monthly meeting on 12th May, as our AGM will be on the following Mon 16th May. A very special request to please join us.

I have managed to get fantastic guest speakers:-

1. *Michael Hayworth* who is the Qld & Nth NSW Community Manager for Amnesty International. Amnesty is a strong campaigner on Human Rights issues that face queer people locally, nationally and globally. Gay people around the world are violated, beaten, imprisoned and killed by their own Government, simply because of their sexual orientation.
2. Graham Perrett who is the Federal Member of Parliament for Moreton. He regularly promotes gay issues.
3. Paul Griffin will give us an update on Gay Marriage.



Trevor, Tim, Qingwen, Takashi, and Heather enjoy pre-Christmas dinner at Toowong to discuss committee matters for GLITF. Shontelle's shift at QF prevented her joining us.

FOR THE AGM

Gay & Lesbian Immigration Task Force Qld Inc
Membership Renewal Form – 2011
Please hand in on the night or post to PO Box 378 Paddington Qld 4064

...Please Print...

(a) Australian Partner _____

Ph: Home _____ Mobile _____

E-mail (Please print) _____

Address: Street _____

Suburb & Post Code _____

(b) Overseas Partner _____

Ph: Home _____ Mobile _____

E-mail (Please print) _____

I/we the undersigned hereby apply for 2011 membership of the Gay & Lesbian Immigration Task Force Qld Inc (GLITF) and agree to abide by the Constitution of GLITF. Please find enclosed \$'s being a fee of \$60 for a couple's membership or \$35 for a single.

OR

I have transferred to Gay & Lesbian Immigration Task Force at the Commonwealth Bank of Australia Wacol BSB 064-160 Account # 10035935

Signatures (a) _____ date _____

(b) _____ date _____

AGENDA – GLITF Qld Inc

Annual General meeting – 16th May 2011

Convened at the Sportsman Hotel, Leichhardt St, Brisbane

1. Welcome: President Tim
 2. Apologies
 3. Minutes of 2010 AGM
 4. Business arising from minutes
 5. Treasurer's Report
 6. Migration Consultants Report
 7. President's Report
 8. Election of new office bearers
- Paul conducts Election**
- a) President
 - b) Vice President & Migration Consultant
 - c) Secretary
 - d) Treasurer
9. President – Introduces guest speakers in turn:-
 10. Michael Hayworth
 11. Graham Perrett
 12. Paul Griffin
 13. Raffle draw
 14. Closing remarks - President

“You’re not gay”: visa refused

A Lebanese man who says he is gay and became engaged to an Australian woman to please his abusive father, has been denied a protection visa because he was not believed to be homosexual.

The 25-year old, who cannot be named to legal reasons, sought the visa in April 2009, saying he suffered persecution in Lebanon for being gay and experienced constant pressure from his father to marry because he was not “*acting like a man*”. The man purported to have two secret homosexual relationships before coming to Australia for the first time in 2007.

But during his first visit to Australia, the man became engaged to a woman. He applied for a Prospective Spouse visa, providing the Dept of Immigration with photographs of an engagement party and saying he planned to marry and have children.

The man told the Refugee Review Tribunal his actions showed “the struggles which a homosexual Muslim man faced when reaching marital age and in trying to avoid the stigma associated with being gay”.

But the Tribunal did not believe he was homosexual or that he had been persecuted, finding his purported levels of fear would have resulted in a more prompt application for protection. Its decision has been upheld by the Federal Magistrates Court in Sydney – see *SZOMZ v Minister for Immigration* (2010) FMCAv871 (12 Nov 2010).

There have been three other similar Federal Magistrates Court decisions involving Lebanese protection applicants in 2010.

Work and Holiday agreement for Australia and Bangladesh

Young people from Australian and Bangladesh now have the opportunity to work in each others countries through work and holiday arrangement that came into effect on December 31.

University-educated Australian and Bangladesh travellers who are aged between 18 and 30 will now be able to work and holiday in the other country for up to 12 months.

The work and holiday visa differs from a working holiday visa as it requires applicants to have the support of their Government, have or be studying towards tertiary qualifications and to speak English.

Bangladesh has become the latest country to have a reciprocal work and holiday visa arrangement with Australia, joining a number of other countries, including Chile, Indonesia, Malaysia, Thailand, Turkey, and the United States.

However, Bangladeshi’s should not expect this scheme will offer an easy way to come to Australia. There are very strict guidelines for eligibility, and only a limited number of visa places a year will be allocated.

Recent Court Cases

Minister for Migration v Khadgi [2010] FCAFC 145

Appeal by the Minister for Immigration in the Federal Court. Appeal allowed. The judgment shows that the applicants would face severe repercussions if they submit bogus or false documents to the DIAC in support of visa applications.

Minister for Migration v SZJSS [2010] HCA 48

Appeal by the Minister for Immigration in the High Court. Appeal allowed. Respondents were citizens of Nepal who had applied for a Protection visa.

El Rifai v Minister for Immigration and Anor [2011] FMCA 9 (17 Jan 2011) (Nicholas FM)

C1820.211(8) – whether evidence of family violence should have been part of consideration of whether “married relationship” existed before cessation of relationship – once findings made that parties were not mutually committed to a relationship as husband and wife to the exclusion of all others, it was not necessary to go any further and consider the matter of domestic violence beyond the manner in which Tribunal had already done so – consummation of marriage (and matters of loss of virginity) are not immediately relevant to whether a marriage is valid for the purposes of the Act given the

explicit matters set out at Reg.1.15A(3)(a) to (d) – something more than the mere act of sex in a “married relationship” – no error in Tribunal’s approach – Tribunal operated within the “logic” set by the relevant statutory and regulatory framework.

Application-Migration-MRT-refusal of a Partner (Temporary)(ClassUK)subclass 820 visa

Former ‘Boat Person’ awarded AO

Lt Governor Hieu Van Le will never forget his first taste of Australia.

It was 1977 and the then 23yr old and his new wife fled war-torn Vietnam crammed onto a fishing boat with about 50 others.

“The journey was quite hazardous and quite horrible.” He recalls.

“We tried to land in other neighbouring countries but we were violently, aggressively pushed out to sea. We were not welcome.”

“In the end, we decided to go to Australia because there was no other place that would accept us.

“We started to see Darwin; our first sight of Australia, the fog was still rising off the water. We heard a very noisy sound, a boat coming to us. Out of that mist, we saw a little tinny, with a couple of blokes standing in it, wearing shorts and singlets, white zinc on their nose and fishing rods rising up into the sky, a can of beer in their hand.”

“They waved at us from afar. As we came closer, one guy raised his stubby up and as if proposing a toast, shouted out, G’day mate, welcome to Australia”.

From Darwin, Mr Lee and his wife were given temporary permits and later settled in Adelaide. (From Australia Day Honours)

How times have changed – possibly they’d get a very different welcome now!

Skilled Migration Applications Backlog

DIAC advised that there is a huge backlog in General Skilled migration applications. Currently there are 140,000 applications in the queue for processing. Processing these applications could take several years and visa applicants should be prepared to wait.

Appreciation-Thanks

It is Scott and Fernando. We just wanted to thank you so much for the tickets to the David Strassman show on Sat night. We had such a great night. I have not laughed that much in a long time.

Also just wanted to thank you again for everything you have done for us. Thanks to you we can now start to plan our life here in Australia, and we can have a merry Christmas because of you.

See you soon and keep in touch.
Lots of love.. Scott and Fernando.

AGM 2011 Speech – 16 May 2011

A very warm welcome to our Members, friends and guests in this the 16th year of Qld GLITF.

I still enjoy being on the Exec Com’ttee of the Qld Branch of the Migration Institute of Australia About ½ of all Registered Migration Agents are Members of MIA. We receive emails from the National Office daily bringing us up to date on all migration matters. MIA hold CPD sessions at the Tattersall’s Club each month. Each CPD session qualifies us for 1 CPD point, and we must gain 10 Pts to be re-registered every year as Migration Agents.

Kevin Rudd who brought in those horrendous changes to migration which left overseas students in a limbo vacuum, and almost brought Skilled Migration to a standstill, except for certain highly skilled areas including doctors, nurses and mining engineers.

Well, we still don’t know all needed criteria; but we do know that there are 140,000 skilled applications still the queue awaiting a decision.

In the middle of last year our Members were successfully being granted their partner visa very quickly. Unfortunately in around July the Brisbane Office were given the task of actioning Sydney's too hard partner files; that had been put aside for various reasons. This blew out Brisbane's processions times by many, many months.

We still have discrimination until we can marry; same-sex couples cannot apply for a Prospective Marriage visa. This visa is very helpful if your partner comes from a 3rd world country where it is impossible to be granted a tourist visa.

You have 9 months to get married, so no worries and expense in obtaining a student visa; and during those 9 months you find out if you are compatible.

I recently had a Fijian Trannie client who looks 100% female, but has not had the full operation, whose passport reads M for male; this was a case I wished I could have used the Prospective Spouse visa.

My proudest result for 2010 was succeeding in a Domestic Violence case for a male in a spouse relationship.

There is still a chance that the Minister for Migration Chris Bowen may bring in a Capping/Quota on Partner visas. The Qld DIAC State Manager knows the Minister is very keen on the idea. His plan for example is: say 120,000 Skilled Migrants came here in one year; then 1/2 of that figure would mean 60,000 Partners visas would be granted.

The Minister for Migration on 18 Jan 2011 made another depressing announcement when he determined that the maximum number of *"other family Migrant Class BO visas and other family Residence visas Class BU in the year 1 July 2010 to 30 June 2011 to be 750"*. This is an appalling low quota!!

In just 5 months time I will be 78 yrs old, I plan to keep active as your Migration agent, on the Com'tee of MIA and as a Justice of the Peace. Due to Google I receive many requests each week for my JP services.

My grateful thanks to Sportsman's Neil McLucas, to Paul and his staff for being so generous in looking after GLITF, throughout the year. Neil, Grant & I started Qld GLITF in Oct 1995. I am in regular contact with NSW & SA GLITF's.

My very special thanks to my Com'tee, Heather, Shontelle, Tim and the website ladies at Maryborough. I'm so grateful for their support; I need you all so very much.

I continue to look forward to providing the free support to counselling our gay community on the correct procedures in bringing their partner to Aust, and to seeing you all next year.

Gay man seeking asylum: I can't return to Indonesia

Philadelphia; 15th Feb (CNN) – Anton Tanumihardja had his bags packed, anxious about his flight back to his home country, Indonesia. It was a trip he did not want to make after spending the past 8 yrs in the United States.

He feared his absence would mean the end of his relationship with his boyfriend. In a bitter twist, he would be leaving on the night of Valentines Day.

At the last minute came a temporary reprieve; Federal immigration officials issued a stay of deportation just three hours before his flight was to take off.

Tanumihardja who is openly gay, has filed for political asylum, fearing persecution if he is forced to return to Indonesia. He says his homeland is not tolerant of homosexuals.

Although the order gives Tanumihardja more time in Philadelphia, it does not guarantee he can stay forever. It remains in effect until authorities decide whether to reopen his political asylum application.

Tanumihardja, 45, came to the United States in 2002 with a tourist visa from Jakarta, Indonesia. After his visa expired, he filed for political asylum and received a work permit while his case was being reviewed.

When his asylum application and subsequent appeals were denied, immigration authorities told him he had to leave on Monday-14th Feb.

"I got a lot of support from people who love me and want me to stay." Tanumihardja said before breaking down into tears. "I do not expect anything in return from this country, I just want my status to be legal here."

In addition to his sexual orientation, Tanumihardja is ethnic Chinese and Catholic, making his return to Indonesia more daunting because he would be a triple minority in the predominantly Muslim county.

"Going back to my country means I have to be closed," he said, referring to his sexual orientation. "I cannot come out in my country and have to be hiding who I am."

The root issues of Tanumihardja's case are more complicated than simply deporting someone for an overstayed visa or denying a political asylum application, according to his attorney, Lavi Soloway.

The case sits at the intersection of gay rights and immigration reform, he says.

"Our whole immigration system, 80% of the cases are based on family unification, it's about keeping the family together." Soloway said. "But this just doesn't register with the LGBT community. It's a reflection of anti-gay discrimination."

Tanumihardja started dating Brian Andersen last fall, and they have been inseparable ever since.

Andersen, 28 is an American citizen. If they were heterosexual and planned to marry, Tanumihardja could possibly have been sponsored for residency, Soloway argues

Under current U.S. law, the sponsorship option does not exist for same-sex couples.

Tanumihardja, who has a degree in accounting and marketing, works at Coventry Deli in downtown Philadelphia where he also doubles as the bookkeeper.

He will continue his fight to stay, he said.

"I do my best for this country, I love this country." He said.

Soloway says he fears for Tanumihardja if he is forced to return to Indonesia. "He is a gay man who had the opportunity to live openly as a gay man in Philadelphia. And now he's going back to live where in order to survive, you cannot be open,"

Soloway said. "We guard against taking for granted our freedom to be with those we love."

The last-minute stay of deportation has Tanumihardja and Andersen relieved, but cautious.

"This is the best we could of hoped for at this point," Andersen said after hearing the news. "It's something that is very real and happening."

*Report by Sarah Hoyer, CNN.

USA is such a backward country when it comes to free Medicare, and same-sex migration; Australia has had same-sex migration since 1984, and Tony Blair brought it in for UK immediately after taking over power from Maggie Thatcher