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AUSTRALIAN CATHOLIC MIGRANT & REFUGEE OFFICE

News

The official newsletter of the Australian Catholic Migrant & Refugee Office

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Libya: Great Fear For African Migrants

Women and children seek information about their arrested male relatives outside the Bab al-Bahr football club. © 2011 Fred Abrahams/Human Rights Watch

Thousands of African migrants are facing harassment, mass arrest and detention as they flee the violent uprising in Libya. The sub-Saharan Africans are at high risk of abuse as anti-Gaddafi forces target people who they believe fought as mercenaries for the former strongman Muammar Gaddafi, according to Amnesty International.

The mass arrests have created a climate of fear, with many migrants too scared to leave their houses, and others sheltering in hideouts. But the alternative, according to Human Rights Watch, would be imprisonment in overcrowded, putrid smelling cells with a lack of water and poor sanitation.

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Whilst there is evidence that Gaddafi did engage mercenary fighters from sub-Saharan Africa, it is also clear, according to the International Detention Coalition, that prior to the uprising, between 1 and 2 million African migrant workers were living in Libya.

The migrants, as well as many black Libyans, are being held by the de facto authorities, the National Transitional Council (NTC), solely on account of their skin colour. Detained in ad hoc places of detention across Tripoli, the migrants remain in a terrifying limbo as it remains unclear how or if the NTC plans to review each case to determine whether there is evidence of criminal activity or not.



“It’s a dangerous time to be dark-skinned in Tripoli,” said Sarah Leah Whitson, Middle East and North Africa director at Human Rights Watch. “The NTC should stop arresting African migrants and black Libyans unless it has concrete evidence of criminal activity. It should

also take immediate steps to protect them from violence and abuse.”

As fighting rages on in Libya, many human rights organisations continue to appeal to NTC to establish a judicial review system to process those currently in detention, release those for whom there is no evidence of criminal activity, and to stop the arbitrary arrest of Africans.

Author: Amelia Gilroy

Photo: About 30 Nigerians are living in cramped quarters in Tripoli’s Grigaresh neighborhood, afraid to go outside due to harassment and arrests of sub-Saharan Africans.

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Photo: Archive Casa del Migrante in Tijuana

Graduate Diploma in Pastoral Care of Human Mobility

Enrolments close 20th October 2011

"The challenge confronting us in today's migrations is not an easy one because many different spheres are involved: economics, sociology, politics, health, culture and security. All Christians must respond to this challenge; it is not just a matter of good will or the personal charisma of a few."

(Erga Migrantes Caritas Christi, 3)



**Scalabrini International
Migration Institute - SIMI**

Institute of the Pontifical Urbaniana University



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GRADUATE DIPLOMA IN PASTORAL CARE OF HUMAN MOBILITY

A structural reality of contemporary society today; growing human mobility has become a stable and increasingly vast phenomenon. Migrant and exiled people have existed in every period of history, but at present, human mobility has assumed new characteristics that require new and diversified solutions. Today's migration reveals inter-dependence all nations in the world. "it is becoming an increasingly complex problem from the social, cultural, political, religious, economic and pastoral point of view". (Cfr. *Erga Migrantes Caritas Christi*, Introduction).

Erga Migrantes Caritas Christi calls on the local Churches to promote initiatives "dedicated to animation and formation" of the clergy, religious men and women, laity and pastoral workers (EMCC,98).

To implement this "animation and formation" The Australian Catholic Migrant and Refugee Office, through the Scalabrini International Migration Institute (SIMI) within the Pontifical Urbanian University and with the auspices of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People, is offering a graduate and advanced graduate diploma in the Pastoral Care of Human Mobility. This is the first and only online program offered in English.

The diploma program is designed to provide candidates with proper and accessible training in the pastoral care of migrants and itinerant people. The course will cover topics such as theology of migration, the teaching of the Catholic Church migration, human rights, global migration and refugee trends and catholic social teaching.

As the Church in Australia continues journeying into the new millennium with the wisdom acquired in receiving migrants and ministering to them, she realises with a grateful heart the fresh challenge that comes from embracing cultural diversity in order to bring together in communion the "dispersed children of God".

Enrollments Close 20th October 2011

This program offers students a Graduate Diploma in Pastoral Care of Human Mobility. Students who successfully complete the graduate diploma will be eligible to progress to the Advanced Graduate Diploma program.

The Graduate Diploma comprises of five courses that are distributed in one full academic year (October to June). The same structure is used for the Advanced Diploma. All courses are "reading courses" where face-to-face lessons are substituted by the individual reading of reference materials prepared by the professor every fortnight. This online reading course will be delivered through the SIMI e-learning platform. Students will be required to show the completion of the assignment by summarising readings or by providing written answers to questions prepared by the professor. The successful completion will be determined by the passing of exams of all the courses. At the end of each level a diploma will be given to successful students.

Total tuition Fee: \$400 AUD.

The Graduate diploma will comprise of the following subjects;

The Teaching of the Church and the Pastoral Care of Human Mobility

Maurizio Pettenà

This course intends to offer an overview on the process of developing consciousness on the part of the Catholic Church of her special mission for and with people on the move. In the context of the Catholic social teaching, the professor will present the magisterial documents that deal *ex professo* with the migrant ministry, both at the universal Church's and at the Asian Churches' levels. Special attention will be given to the theological and pastoral indications provided in the 2004 instruction *Erga Migrantes Caritas Christi*.

Old Testament and Pastoral Care of Human Mobility

Gabriele Bentoglio

The course offers some guidance on biblical literature of the Old Testament (Torah, Prophets and Writings) referring to the pastoral care of human mobility. This is in view of identifying elements of biblical theology, encouraging the discussion among pastoral workers and guiding their activities in the multiple dimensions of contemporary challenges, drawing on the divine revelation.

Elements of Pastoral Care of Human Mobility 1

Graziano Tassello

The course will discuss the main concept of pastoral care and within it define the pastoral care of human mobility. Such care would be classified by beneficiaries (pastoral care of migrants, pastoral care of seafarers, pastoral care of refugees, etc.) highlighting the peculiarities of each one of them. The course will also present some selected pastoral models (examples of pastoral initiatives catering to people on the move) in the present time.

Protection and Promotion of Human Rights in the Migration Context

Caterina Boca

The course aims to provide a detailed picture of the legal instruments protecting migrants, refugees and their families that in recent years have been identified and recognized at the international and regional levels. Students would be led to improve their personal skills in order to better understand the migration phenomena and be able to develop initiatives aiming at promoting the protection of the human rights of the people on the move.

The Phenomenon of Human Mobility

Fabio Baggio

The course aims to introduce students to the study of human mobility from a scientific perspective. Drawing on elements and definitions from the human and political sciences, migration theories and classifications will be explained. Some essential elements of the history of migration will also be discussed. Students will be guided to develop their own interpretative model, in consonance with the Church's social doctrine.

Further Information: The Advanced Graduate Diploma, which continues on from the Graduate Diploma will be available for successful students next year; the Advanced course outline is available online. For further information, do not hesitate to contact the ACMRO Program Administrator, Mr Joe Moloney, at joe.moloney@acmro.catholic.org.au.

Further information is also available on the ACMRO webpage: www.acmro.catholic.org.au.

CATHOLIC PARISH OF WARRINGAH

"One Faith, Many Cultures" - marks Migrant & Refugee Sunday 2011



Special prayers and liturgies marked the celebrations held by Warringah Parish to observe Migrant and Refugee Sunday 2011. With a population drawn from many countries, races, cultures and life experiences, the occasion provided the opportunity to express and reflect on the multicultural richness thriving in the parish. Amidst the cultural diversity, the parish celebration was also a significant statement of unity, articulate through

their faith in God and the sacred gift of the Eucharist that bond them as one single body.

Portrayal of the many cultures was striking throughout the celebrations. At a Saturday Vigil, a vibrant and colourful Family Mass, led by parish school, St Kevin's Catholic School, Dee Why, saw children wear a national dress from their country of origin. With eagerness, enthusiasm and energy, the children led the Entrance procession bearing flags of countries and placards printed with the word "Welcome" in foreign languages.



For the Reflection hymn, the school led the assembly with a rendition of Marty Haugen's song "Weave One Heart".

Accompanied by actions where strands of multi-coloured cloths were intertwined, it is a simple and yet insightful analogy of the diversified cultural experiences which are so much part and parcel of the Catholic Church in Australia.

In Warringah Parish, a number of languages are spoken. Some of these were incorporated during the Sunday liturgy. The Second Reading was done in Italian and the English translation was included in the bulletin. The Intercessions were translated in languages from the Philippines, Croatia, Malaysia, Ireland, Italy and Tonga, with English translations shown on data projection.

“Hostility comes from ignorance, hospitality from openness”, were the words recalled by Warringah Parish Priest, Fr Victor Basso C.S. in his homily. In the changing face of the Church, it is a timely reminder of our baptismal calling: to act as conduits and bridges for the love and mercy of God, to be



inclusive, to welcome the stranger, to offer peace, acceptance and opportunity to all. This idea is further reinforced with the scriptures: Acts 17:26 – “All peoples are one community and have one origin, because God caused the whole human race to dwell on the face of the earth”. Simply put, “I am-You are-We are-God’s Family.”

A video recording of the children’s performance may be viewed on the school website:

www.skdydbb.catholic.edu.au

under the “News and Events” section of the site.

Thank you to Warringah Parish for contributing this article.



Malaysia—Australia Migration Policy

As the asylum seeker debate rages on in Australia it is easy to be swept up in the politics of it all. Both the major parties seem intent on winning at politics and by doing so, disconnect themselves from the human element of those seeking asylum who come to Australia for a better life.

The elevation of this issue as one of disastrous proportion is completely unjustified. In fact according to UNHCR of the 43.7 million people who are displaced by persecution, conflict and serious human rights violations globally; only half of one percent ever comes to Australia. Using asylum seekers as a political statement can result in less tolerance and an unfounded sense of fear in the community.

In an attempt to send a 'strong' message to smugglers, the government has instead isolated those in need and in turn become the vehicle for disregarding fundamental human rights. Catherine Branson QC, Australian Human Rights Commission articulately explains that,

“Punishing asylum seekers is not the answer to addressing people smuggling.”

The recent High Court decision is a significant step in the right direction. However the debate continues and the push for offshore processing still remains.

The High Court Decision Explained.

What was the decision?

For third country transfers of asylum seekers to be lawful, the country in question has to be legally bound either under international law or its own domestic law. Any third country would need to provide the same legal protections that Australia currently provides. The court held that under s198A of the *Migration Act* 1958 (Cth), Malaysia was not bound legally to the same obligations as Australia and therefore Australia could not guarantee three things:

- 1) access for asylum seekers to effective procedures for assessing their need for protection;
- 2) protection for asylum seekers who are awaiting a decision on their asylum application; and
- 3) protection for persons who have been granted refugee status until their voluntary return to their country of origin or their resettlement in another country.

These three obligations are a question of fact. Does the country include these protections in law? Does the country facilitate these protections in practice?

The court also decided that an unaccompanied asylum seeker who is under 18 years of age may not lawfully be taken from Australia without the Minister's written consent under the *Immigration (Guardianship of Children)* Act 1946 (Cth).

The decision further highlighted that the Minister has no other power under the *Migration Act* to remove from Australia asylum seekers whose claims for protection have not been determined.

What does this mean?

Effectively the transfer of asylum seekers to Malaysia is on hold unless one of two things happens:

1. Currently the government is attempting to introduce legislation to enable offshore processing. This bill amends the *Migration Act 1958* and the *Immigration Guardianship of Children Act 1946*. The amendments will give power to Immigration Minister Chris Bowen to send refugees, including minors, to a third country for processing if he can prove to Parliament that it is in the public interest.

The Government is proposing that the Minister gives Parliament a copy of any written agreement between Australia and the third country, but the agreement would not have to be binding.

How? The amendments will be debated in parliament in early October. However the major parties' seemingly immovable positions mean both sets of amendments are likely to be defeated in the Senate, where the Australian Greens hold the balance of power.

Issue! The decision to protect refugees and determine asylum claims is a proud achievement for any civil nation. Australia has a long history of recognising this as the decent thing to do. By changing the Act to allow this type of transfer; Australia puts lives at risk and goes against our proud tradition of protecting those in need of refuge.

2. Malaysia could become legally bound.

How? Malaysia would have to sign the 1951 *Refugee Convention* and/or prove that it is carrying out the legal obligations stipulated by incorporating protection into its domestic law and in practice. The Australian Minister for Immigration may then be able to remake the declaration.

If the Malaysia solution succeeds what will be the fate of children?

According to Minister Chris Bowen, Department of Immigration officials will be in charge of assessing if a child is able to be sent to a third country.

According to the Minister the officials will be well-qualified people who have wide experience in managing "these sorts of issues." He said the government will continue to engage with organisations, particularly the UNHCR (who are not a signatory to the arrangement).



Photo: Afghan children line up for food distributed by UNICEF at Maslakh refugee camp, approximately 6 miles west of Herat in western Afghanistan. (Behrouz Mehri/AFP/Getty Images)



What Is The Opposition Saying?

Coalition has indicated it will not support the current proposal to amend the Migration Act in order to make the offshore processing of asylum seekers possible in countries who are not a signatory to the refugee convention. However, the Coalition, does believe in off-shore processing in countries (such as Nauru) that are signatory to the Refugee Convention. However legal experts contend that the Opposition's own solution, using Nauru, may also be invalid in light of the High Court ruling. Nauru is in doubt because whether a third country provides protection is a question of fact – on what practical and legal protection actually exists presently -not just on the agreement between heads of state. Protection is more than just ratifying the refugee convention and this is the issue for Nauru – can it facilitate protection in practice?

What are others saying?

The United Nations Association of Australia:

The UNAA has questioned the lack of safeguards implemented to protect asylum-seekers who are processed offshore.

In a submission to a Senate inquiry focused on the transfer arrangement, the association flagged concerns the ill-fated policy was in breach of Australia's international obligations and contrary to the spirit of the Refugee Convention.

Law Council of Australia:

In a separate submission, the Law Council of Australia notes "serious human-rights concerns" and concludes the Malaysia solution should not be pursued. The submission focused on Australia's inability to sufficiently address a range of international conventions by which Australia is bound.

"It is difficult to see how it could be in the best interests of an unaccompanied minor to be transferred to Malaysia," the Law Council says.

Australian Human Rights Commission President Catherine Branson QC:

"There is a risk that in sending asylum seekers to Malaysia, Australia could breach its non-refoulement obligations under other international treaties... We are also concerned that transferring anyone who has a family member already in Australia could breach their right to family unity,"

Greg Barns is a Barrister and National President of the Australian Lawyers Alliance.

"The problem of people smuggling for Australia remains minute on a global scale and the harm done by sending asylum seekers to countries where they will be persecuted or perhaps be killed does not justify the making of laws which allow for a rampant executive to avoid judicial or even parliamentary scrutiny."

What the Catholic Church in Australia is saying?

The Church sees a solution grounded in onshore community based attention. One that has its roots firmly connected to compassion and acceptance for those who seek protection.

The Catholic Church does not support off-shore processing (a policy pursued by both Labour and Liberal parties) because it prolongs and often intensifies the suffering of asylum seekers. Offshore processing also denies opportunities for the Australian humanitarian sector and members of the community who engage and work with refugees.

ACMRO believes that the current policy of transferring vulnerable asylum seekers to a third country reflects a growing disconnection between political parties and the majority of the Australian community who are compassionate, who understand the situation in Afghanistan, Iraq, Iran and who believe it is unconscionable to cast out those who need support the most.

During a recent colloquium on ethics and migration, Bishop Prowse of Sale reflected on Catholic social teaching regarding migrants and asylum seekers;

“, we teach of the dignity of migrants and their right to migrate (GS 65-66, EMCC 21-23). The Church is to be a neighbour to the migrant and refugee (GS27), promoting especially their spiritual and pastoral care. We are to encourage a culture of solidarity, welcome and dialogue with the newcomers (EMCC 6, 29-30, 39). We are to be advocates and mentors to them. Where necessary, we are to raise our voice against exploitation and trafficking (EMCC 6).”

Authors: Amelia Gilroy and Joe Moloney

Photo: Red-Cross
assists landmine
victims in
Afghanistan

UNICEF



The Australian Catholic Bishops call for on-shore processing of asylum seekers

The Australian Catholic Bishops call for on-shore processing of asylum seekers who arrive in Australia.

"Australia has an exceptional community lead resettlement program. Over 200 Charities have recently expressed their passion and commitment to work with refugees and asylum seekers in community based detention" said Fr Maurizio, director of the Australian Catholic Migrant and Refugee Office.

"Community based detention reaffirms the human dignity of the person seeking asylum and is in the best interests of the common good of all humanity" he said.

The Australian Catholic Migrant and Refugee Office warn that off-shore processing will not solve the underlying problem.

"The human drive to escape war and poverty will continue to prompt asylum seekers to find alternatives, potentially placing their lives in even greater danger of exploitation and abuse" said Fr Maurizio.

"Compelled migrants need refuge from conflict zones, but more than this, they need an opportunity to live a dignified life with access to health, education and employment" he said.

"When these fundamental rights are denied in their homeland – they have the right to emigrate. This is not by choice. No one wants to be in this situation" he said.

"The current government has done much to humanise the approach towards asylum seekers, but should reflect further their motives for wanting to change the Migration Act. The lives of our brothers and sisters will be severely affected" he said.

The numbers of asylum seekers that Australia can expect are not so large that we can't manage it effectively here.

The Australian Catholic Migrant and Refugee Office urge the Government not to change the Immigration (Guardianship of Children) Act which would allow the transfer of Children and unaccompanied minors.

"These young people are among the most vulnerable in the world; the moral and decent thing to do is to process their asylum claims in Australia" said Fr Maurizio.

For media enquiries or to arrange an interview with Fr Maurizio Pettenà, please contact Beth Doherty on 0407 081 256 or Joe Moloney on 02 6201 9848.

