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11-029

IMMIGRATION AND BORDER PROTECTION

s. 22(1)(a)(ii)

**REQUEST FOR ABORTION BY RAPED TRANSFEE (AS REPORTED BY
730 REPORT)****CURRENT ISSUE**

Media coverage regarding a refugee woman on Nauru alleging sexual assault and seeking a termination of pregnancy.

KEY FACTS/KEY FIGURES

s. 47F(1)

QUESTIONS AND RESPONSES**Details of request**

- The Department is aware of one refugee woman on Nauru who has requested a termination of her pregnancy, following an allegation of sexual assault.

Status of refugee

- The woman is in Australia and receiving appropriate medical treatment.
- She will be returned to Nauru when medically fit to transfer.
- I am unable to provide further detail for reasons of privacy.

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IMMIGRATION AND BORDER PROTECTION

s. 22(1)(a)(ii)

**REQUEST FOR ABORTION BY RAPED TRANSFEEE (AS REPORTED BY
730 REPORT)****What health services are available on Nauru**

- Refugees settled in the Nauruan community access primary and mental health services at a settlement health clinic, which is located at the Republic of Nauru Hospital. Additional health services are provided at the Hospital as required.
- Health services on Nauru are supplemented by visiting health practitioners and medical transfers to Papua New Guinea when required. Medical transfers to Australia are only undertaken in exceptional circumstances.
- Health capability on Nauru is being strengthened through improvements to the Republic of Nauru Hospital, including additional medical infrastructure, equipment and services.

BACKGROUND AND CHRONOLOGY

s. 47F(1)

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IMMIGRATION AND BORDER PROTECTION

s. 22(1)(a)(ii)

**REQUEST FOR ABORTION BY RAPED TRANSFEEE (AS REPORTED BY
730 REPORT)**

s. 47F(1)

Contact: Amanda Little, A/g AS Detention Health Services Branch
Division: Detention Services
Date first prepared: 29 January 2015
Originating Source: DIBP

Phone: s. 22(1)(a)(ii)
Action Officer: s. 22(1)(a)(ii)
Date last Updated: 16/06/2016 - 2:57 PM

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11-033

IMMIGRATION AND BORDER PROTECTION

s. 22(1)(a)(ii)

ABYAN – NAURU TRANSFEREE**CURRENT ISSUE**

Media coverage regarding a refugee woman on Nauru alleging sexual assault and seeking a termination of pregnancy (subsequently transferred to Australia).

KEY FACTS/KEY FIGURES

s. 47F(1)

- A journalist and photographer from the Australian, currently on Nauru, interviewed Abyan (advised to the Department on 20 October 2015, reported in the Australian 21 October 2015).

QUESTIONS AND RESPONSES**What care was provided to Abyan in Australia?**

Following her arrival to Australia, the woman was reviewed by an IHMS GP and mental health nurse on several occasions. She attended an appointment and received counselling at the clinic where the procedure was to be undertaken.

Why was Abyan flown back to Nauru?

The woman advised she no longer wished to proceed with the termination procedure at that time.

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IMMIGRATION AND BORDER PROTECTION

s. 22(1)(a)(iii)

ABYAN – NAURU TRANSFEREE**What care in Nauru did Abyan received PRIOR travelling to Australia**

The woman was engaging with IHMS, OSSTT (Torture and Trauma Counselling), Connect and the Republic of Nauru Hospital (Obstetrician) regarding a range of issues, including the alleged sexual assault and pregnancy.

What care in Nauru is Abyan receiving POST travelling to Australia

The woman was reviewed by the IHMS Mental Health Team and a GP on s. 47F(1), at which time no concerns were expressed.

In detail, what medical and welfare care in Nauru did Abyan receive from

s. 47F(1)

PRIOR to travelling to Australia

s. 47F(1)

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IMMIGRATION AND BORDER PROTECTION

s. 22(1)(a)(iii)

ABYAN – NAURU TRANSFEREE

s. 47F(1)

Status of refugee

- The woman is in Nauru and receiving appropriate medical treatment and support.
- I am unable to provide further detail for reasons of privacy.

What health services are available on Nauru

- Refugees settled in the Nauruan community access primary and mental health services at a settlement health clinic, which is located at the Republic of Nauru Hospital. Additional health services are provided at the Hospital as required.
- Health services on Nauru are supplemented by visiting health practitioners and medical transfers to Papua New Guinea when required. Medical transfers to Australia are only undertaken in exceptional circumstances.
- Health capability on Nauru is being strengthened through improvements to the Republic of Nauru Hospital, including additional medical infrastructure, equipment and services.

BACKGROUND AND CHRONOLOGY

s. 47F(1)

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IMMIGRATION AND BORDER PROTECTION

s. 22(1)(a)(iii)

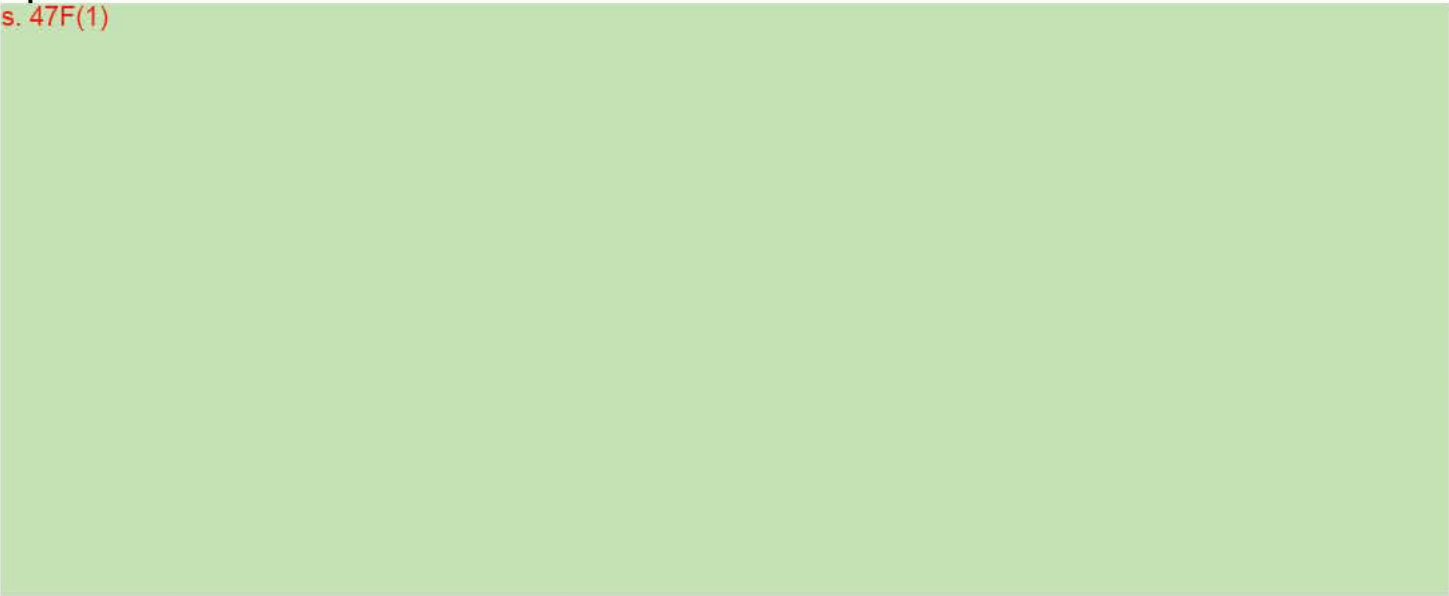
s. 47F(1) – NAURU TRANSFEREE

s. 47F(1)



Chronology of Medical care from s. 47F(1)

Date	Location	Type of medical assistance	Length of appointment
Before transfer to Australia			



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IMMIGRATION AND BORDER PROTECTION

s. 22(1)(a)(iii)

ABYAN – NAURU TRANSFEREE

s. 47F(1)



While in Australia – from s. 47F(1)

s. 47F(1)



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IMMIGRATION AND BORDER PROTECTION

s. 22(1)(a)(iii)

ABYAN – NAURU TRANSFEREE

s. 47F(1)



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IMMIGRATION AND BORDER PROTECTION

s. 22(1)(a)(ii)

ABYAN – NAURU TRANSFEREE

s. 47F(1)

After return to Nauru – s. 47F(1)

s. 47F(1)

Contact: Amanda Little, A/g AS Detention Health Services Branch
Division: Detention Services
Date first prepared: 29 January 2015
Originating Source: DIBP

Phone: s. 22(1)(a)(ii)
Action Officer: s. 22(1)(a)(ii)
Date last Updated: 16/06/2016 - 2:57 PM



Australian
BORDER FORCE

Submission

For information

PDMS Ref. Number MS15-018971

To Minister for Immigration and Border Protection

Subject Transfer from Nauru to Australia - Termination of Pregnancy

Timing By 28 July 2015

Recommendations

That you:

1. Note the Australian Border Force will transfer a transferee from Nauru to Sydney to undertake a surgical termination of pregnancy.

noted / please discuss

Minister for Immigration and Border Protection

Signature.....

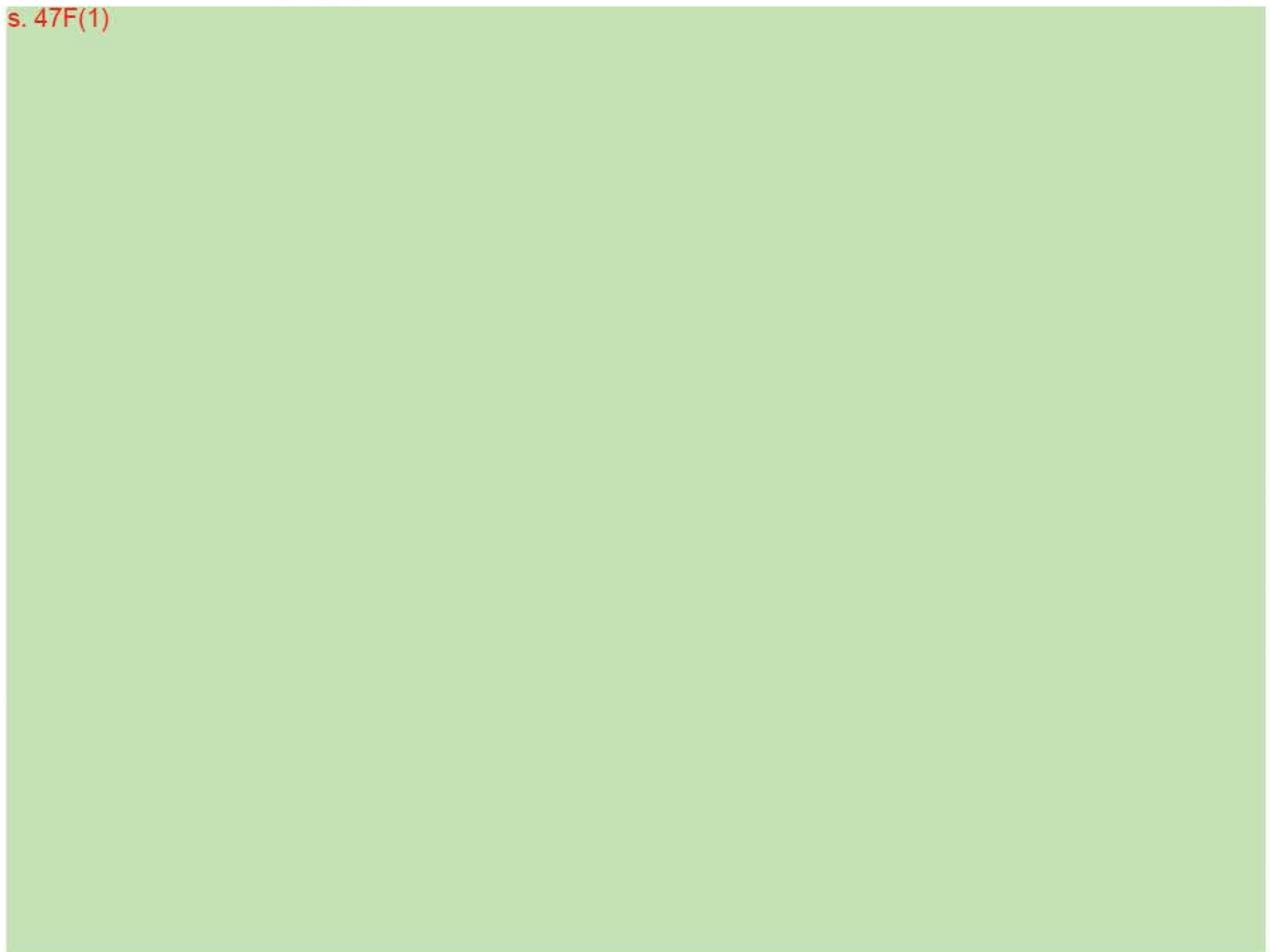
Date: 23/07/2015

Minister's Comments				
Rejected Yes/No	Timely Yes/No	Relevance <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	Length <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

1. The Australian Border Force is arranging the urgent transfer of a transferee to Australia to undergo a surgical termination of pregnancy.

s. 47F(1)



s. 47F(1)

Previous transfers to Australia for termination of pregnancy

s. 47F(1)

Why termination of pregnancy services are offered to transferees

11. This service is offered to transferees on the basis that it is a service available to women in the Australian community and health services for transferees are provided to a standard which is 'the best available in the circumstances and broadly comparable with health services available within the Australian community' (*Regional Processing Countries Health Services Contract*, Schedule 2 – Statement of Work, clause 1).

12. This standard of care was included in the *Regional Processing Countries Health Services Contract* as it was in-line with the policy of standard of health care within immigration detention in Australia (as originally articulated in the 2007 *Detention Health Framework*).

Reasons s. 47F(1) will accompany transferee

13. The current policy regarding accompanying family members during medical transfers has been longstanding, and was reaffirmed during 2014 following criticism by the Ombudsman, the Australian Human Rights Commission and others, after there were some separations at that time (for example, some fathers or mothers were separated from minor children and some spouses were separated).

14. When children were left with the other parent (for example, the father) while the mother was transferred, the feedback from scrutiny bodies as well as detention service providers was that the department was failing to take into account cultural issues, and that traumatised family members needed to remain together.

15. The Australian Border Force is currently reviewing its policies and procedures related to accompanying family members during medical transfers to ensure they are robust, contemporary with the current operating environment and consistently applied.

Legal advice

s. 42(1)



Background

Details of the alleged sexual assault

s. 47F(1)



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s. 47F(1)

Consultation – internal/external

International Health and Medical Services was consulted regarding the status of s. 47F(1) health and Regional Processing and Settlement Branch regarding the alleged sexual assault and Nauru Police Force investigation. Legal Division and Onshore Protection Branch were also consulted.

Consultation – Secretary/Commissioner

The Commissioner was consulted on the approach taken in this submission.

Client service implications

No client service implications have been identified.

Sensitivities

s. 47F(1)

There are no systems, legislative or deregulation implications.

CC Assistant Minister for Immigration and Border Protection
Secretary
Commissioner
Deputy Secretaries, Policy Group and Visa and Citizenship Group
Deputy Commissioner, Operations Group
CJATF
First Assistant Secretary, Children, Community and Settlement Division



To: Minister for Immigration and Border Protection/
Assistant Minister for Immigration and Border Protection (delete one)

Subject: Background Brief - Brother of s. 47F(1) - incident at Nauru

Purpose

Your office requested a brief on the incidents involving transferees s. 47F(1), her brother s. 47F(1) and her mother s. 47F(1).

Background

s. 47F(1)



4. On 9 September 2015, The Age newspaper published an article regarding claims made by s. 47F(1) s. 47F(1) who is the brother of alleged sexual assault victim, s. 47F(1) s. 47F(1). In the article, s. 47F(1) claims that he was held without charge by the Nauruan Police Force (NPF) for more than 30 hours in a cell that was wet with urine.

s. 47F(1)



Key Issues

1. While s. 47F(1) remains in Australia for medical treatment, s. 47F(1) and s. 47F(1) s. 47F(1) will continue to seek reunification with their sister and daughter.
2. The media interest in this case remains high.

Consultation

3. Consultation was not required.

Client service implications

4. There are no client service implications.

Sensitivities

5. There are sensitivities regarding the release of client information.

Authorising Officer	Contact Officer
Kingsley Woodford-Smith Commander Regional Processing and Settlement Branch 9/9/2015 Ph: s. 22(1)(a)(ii)	s. 22(1)(a) A/g Director Nauru Coordination Section Ph: s. 22(1)(a)(ii)

Through: Cheryl-anne Moy, First Assistant Secretary Children, Community and Settlement



Australian Government
Department of Immigration and Border Protection

Submission

For information

PDMS Ref. Number MS15-023296

To Minister for Immigration and Border Protection

Subject Transfer of accompanying family members to Australia – family members of s. 47F(1)

Timing No later than 24 September 2015 to provide the Government of Nauru with a response prior to the next Nauru Joint Advisory Committee on 25 September 2015.

Recommendations

That you:

s. 47C(1), s. 33(a)(iii)

Minister for Immigration and Border Protection

Signature.....

Date: 29/9/2015

Received

23 SEP 2015

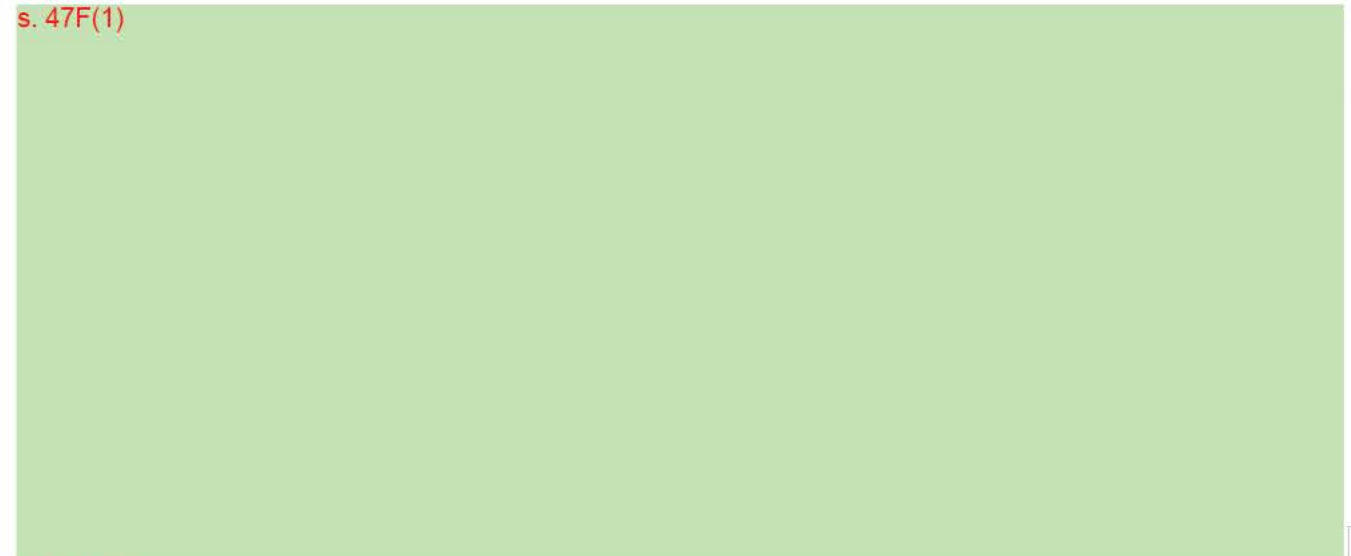
Minister for Immigration
and Border Protection

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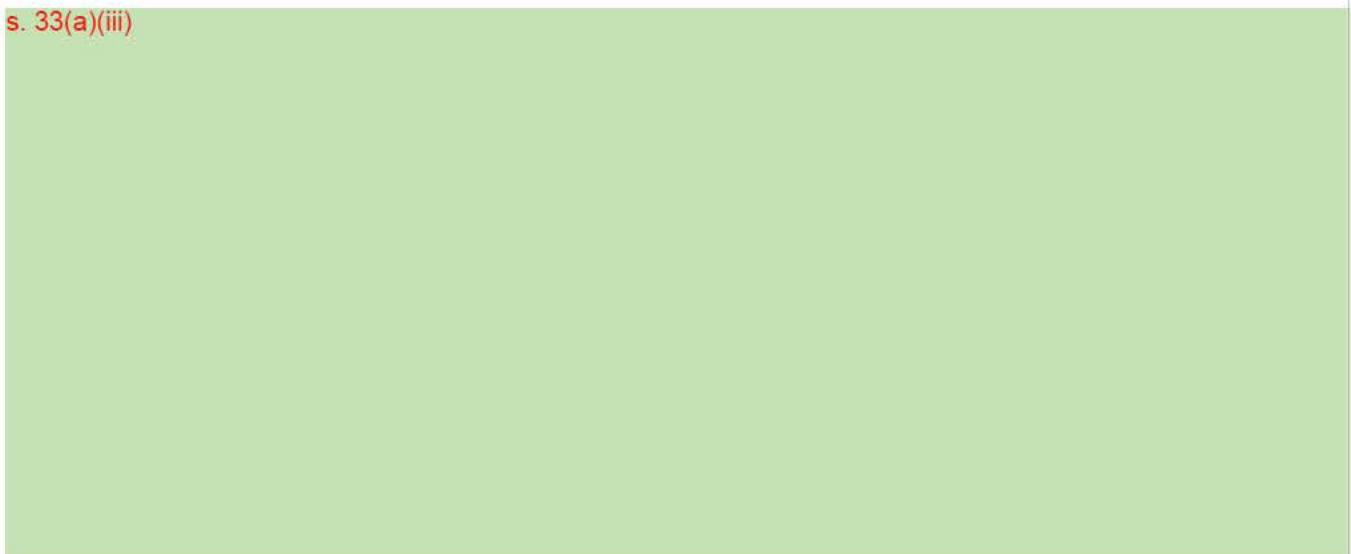
Minister's Comments				
Rejected Yes/No	Timely Yes/No	Relevance <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	Length <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

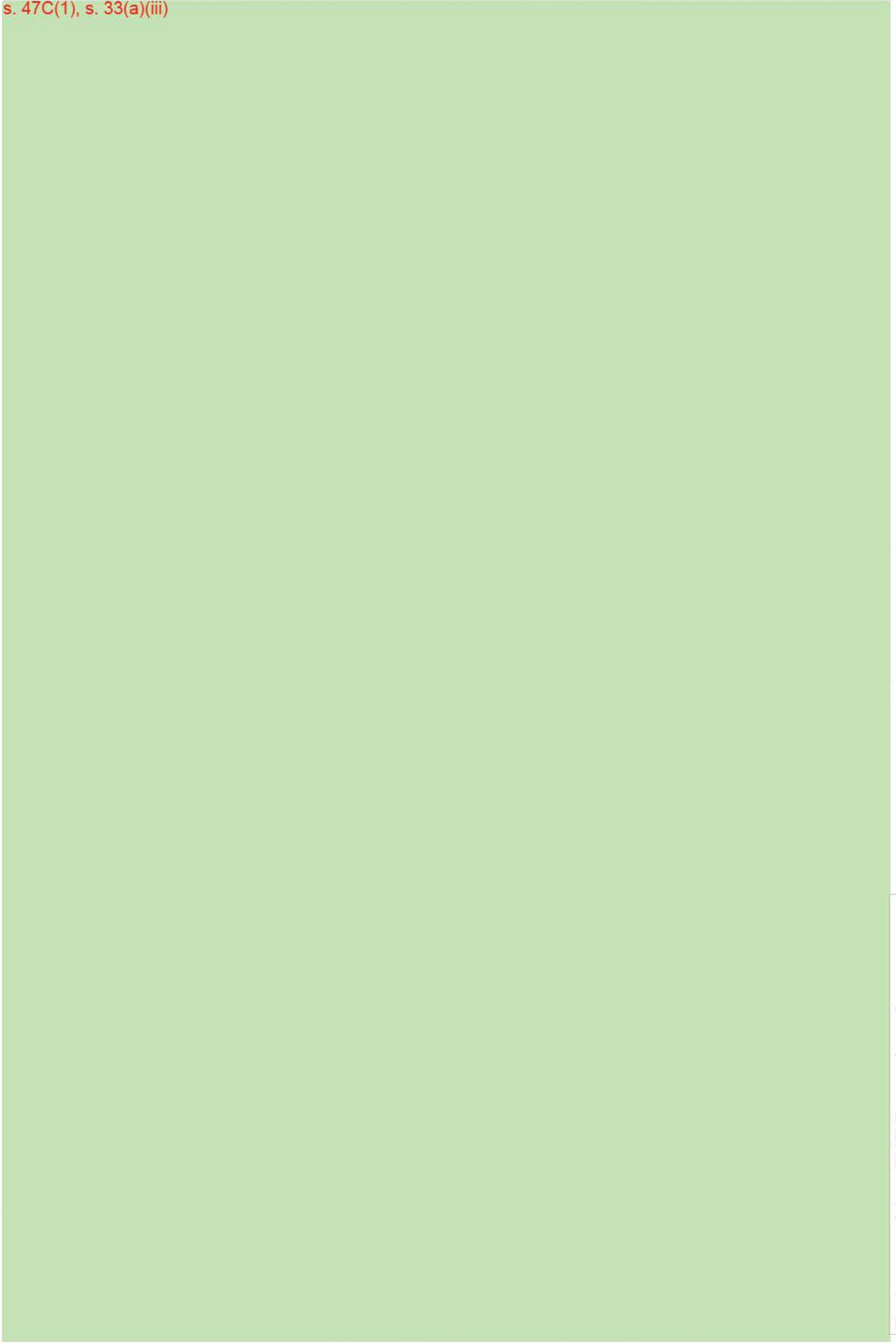
s. 47F(1)



s. 33(a)(iii)


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s. 47C(1), s. 33(a)(iii)



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s. 47C(1), s. 33(a)(iii)



Background

s. 47F(1)



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s. 47F(1)

**Consultation – internal/external**

Consultation has been undertaken with Civil Litigation and Compensation and Detention Health Services.

Consultation – Secretary/Commissioner

Neither the Secretary nor the Commissioner were consulted on the approach in the submission.

Client service implications

There are no client service implications.

Sensitivities

s. 47C(1), s. 33(a)(iii)

**Financial/systems/legislation/deregulation implications**

There are no further implications relating to matter.

Authorising Officer

Cleared by:

Cheryl-anne Moy
First Assistant Secretary
Children, Community and Settlement Services Division

Date: 22/09/2015

Ph: s. 22(1)(a)(ii)

Contact Officer Kingsley Woodford-Smith, Commander, Regional Processing and Settlement Branch, Ph: s. 22(1)(a)(ii)

CC Assistant Minister for Immigration and Border Protection
Secretary
Deputy Secretary Policy
Deputy Secretary Visa and Citizenship Services
Deputy Commissioner Operations
Deputy Commissioner Support
FAS International
FAS Detention Services
Commander South Pacific
CJATF

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IMMIGRATION AND BORDER PROTECTION
QUESTION TIME BRIEF (QTB)
ABYAN – NAURU TRANSFEREE

Document 8

QUESTION:

- 1. Update on medical care provided to Abyan since her return to Australia**
- 2. Provide details of medical assistance available to all transferees in Nauru**

KEY POINTS:

- The Department is ensuring that women transferred to Nauru receive appropriate health care.
- Women at the Regional Processing Centre in Nauru have access to onsite health clinics including general practitioners, an obstetrician, midwives and mental health staff.
- Women settled in the Nauruan community have access to a dedicated settlement health clinic as well as the Republic of Nauru Hospital. Where additional health services are required which aren't available on Nauru, women are offered transfer to Port Moresby, PNG for treatment in a modern private hospital.
- Medical transfers to Australia are only undertaken in exceptional circumstances.
- Abyan has been returned to Australia for medical assistance following further review on Nauru, organised by the Department. She is currently receiving care in a Brisbane hospital.
- The Department is communicating with her legal representative.
- This is a very private matter for the woman and it is not appropriate to discuss her details further.

If asked: What care was provided to Abyan in Australia and before return to Nauru on 16 October 2015?

- Following her arrival in Australia, the woman was reviewed by an IHMS GP and mental health nurse on several occasions. She attended an appointment and received counselling at the specialist clinic where the procedure was to be undertaken. Interpreters were utilised where required.

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QUESTION TIME BRIEF (QTB)
ABYAN – NAURU TRANSFEREE

Document 8

If asked: Why was Abyan returned to Nauru then re-returned to Australia?

Abyan did not want to pursue a termination of her pregnancy at that time. That meant the reason for her being in Australia no longer existed. She was therefore returned to Nauru.

BACKGROUND AND CHRONOLOGY

s. 47F(1)

Contact: Amanda Little, A/g AS Detention Health Services
Branch
Division: Detention Services
Date first prepared: 14 October 2015
Originating Source: MO

Phone: s. 22(1)(a)(ii)

Action Officer: s. 22(1)(a)(ii)

Date last Updated: s. 22(1)(a)(ii)

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