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University

26 November 2019
UNSW Sydney

Kaldor Centre Conference 2019

Good decisions: Achieving fairness in refugee law, policy and practice

Every day, decisions are made about whether people need international protection because they are at risk of persecution or other forms of serious harm. A variety of people make these life-or-death calls – immigration officials at the airport, tribunal members and judges, public servants, even Ministers themselves. In another sense, the decisions are also made by the general public, because the politicians they elect to public office will shape the overall approach.

The 2019 Kaldor Centre Conference brings scholars, decision-makers, legal practitioners, civil society representatives and people with lived experience of seeking asylum together to explore aspects of refugee decision-making from individual cases through to wider public policy. It asks how we can ensure that refugee decision-making is fair, transparent and protection-sensitive, with outcomes that are consistent with international law.

Time: 9.00am–5.00pm
Venue: Law Theatre, Law Building
UNSW Sydney

The Andrew & Renata Kaldor Centre for International Refugee Law at UNSW Sydney is the world's leading research centre dedicated to the study of international refugee law. The Centre was founded in October 2013 to undertake rigorous research on the most pressing displacement issues in Australia, the Asia-Pacific region and the world, and to contribute to public policy by promoting legal, sustainable and humane solutions to forced migration.

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Program

8.30–9.00	Registration
9.00–9.30	The year in review Guy S Goodwin-Gill, Professor and Acting Director, Kaldor Centre for International Refugee Law
9.30–10.30	Opening keynote address <i>Toward 'fair, transparent and protection-sensitive' credibility judgments</i> Hilary Evans Cameron, Lecturer, Ethics, Society & the Law, Trinity College, University of Toronto Chaired by Andrew Kaldor AM, Advisory Committee Chair, Kaldor Centre for International Refugee Law
10.30–11.00	Break
11.00–12.30	Panel 1 – Deciding refugee claims <i>Street-level bureaucrats, discretion and data: Pre-screening protection claims at the border</i> Regina Jefferies, Scientia PhD Scholar, Kaldor Centre for International Refugee Law <i>Assessing asylum claims for members of the 'Legacy Caseload'</i> Edward Santow, Human Rights Commissioner, Australian Human Rights Commission <i>Refugee status determination, mental distress and lethal hopelessness: Challenges for legal professionals</i> Mary Anne Kenny, Associate Professor, School of Law, Murdoch University and Nicholas Procter, Professor and Chair, Mental Health Nursing, University of South Australia Chaired by Om Dhungel, Director, Om Dhungel Consulting
12.30–1.30	Lunch
1.30–3.00	Panel 2 – Good policy, good politics? <i>Nothing about us without us: The role of people with lived experience in decision-making</i> Najeeba Wazefadost, CEO, Hazara Women of Australia <i>The wealth paradox: Economic prosperity, populism and opposition to refugees and asylum seekers</i> Jolanda Jetten, Professor of Social Psychology, University of Queensland <i>How law and policy create barriers to inclusion for refugees and people seeking asylum</i> Sangeetha Pillai, Senior Research Associate, Kaldor Centre for International Refugee Law Chaired by Abdul Karim Hekmat, Freelance journalist
3.00–3.30	Break
3.30–4.45	Panel 3 – Q&A – Getting to good decisions Shaun Hanns, former Protection Obligations Decision Maker in the Department of Home Affairs Justice Melissa Perry, Federal Court of Australia Shahyar Roushan, Senior Member, Administrative Appeals Tribunal Chaired by Shufuka Tahiri, Policy Officer, Refugee Council of Australia
4.45–5.00	Vote of thanks Andrea Durbach, Professor and Associate Dean (Academic), Faculty of Law, UNSW Sydney

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Speaker and Chair Biographies



Om Dhungel is a trained telecommunications engineer. He is now a consultant and a practitioner of the Strength-Based Approach to refugee settlement and community engagement, offering his services as a trainer, mentor and a speaker. A Fellow of the Australian Institute of Company Directors, Om is currently a Director on the Board of the Asylum Seekers Centre, a Member of NSW Police Multicultural Advisory Council and has served on the Boards of Settlement Services International, SydWest Multicultural Services and MTC Australia in the recent past. Formerly a refugee from Bhutan and the founding president of the Association of Bhutanese in Australia, Sydney, Om is a recipient of the 2017 University of Technology Sydney International Alumni Award and the 2016 NSW Premier's Multicultural Community Medal for Lifetime Achievement amongst many other accomplishments.



Andrea Durbach is Professor and Associate Dean (Academic) at UNSW Law Faculty where she was Director of the Australian Human Rights Centre (now Institute) from 2004 to 2017. Prior to her academic appointment, she was Principal Solicitor and Executive Director of the Public Interest Advocacy Centre (PIAC). Educated in South Africa where she practised as a political trial lawyer and human rights advocate, Andrea has been a part-time member of the Administrative Decisions Tribunal, part-time commissioner of the NSW Law Reform Commission and board member of the NSW Legal Aid Commission. A Foundation Fellow of the Australian Academy of Law, in 2013 Andrea was awarded the Australian Human Rights Commission Human Rights Law Award for her promotion and advancement of human rights in Australia through the practice of law.



Hilary Evans Cameron is a former litigator who represented refugee claimants for a decade and now holds a doctorate in refugee law from the University of Toronto. Her research explores refugee status decision-making with a focus on credibility assessment. Her work was included in a leading anthology of 'the finest scholarship available' in refugee law from the 1930s to the present (Hathaway, 2014) and she is the author of a recent book, *Refugee Law's Fact-finding Crisis: Truth, Risk, and the Wrong Mistake* (Cambridge University Press, 2018). She regularly gives talks about refugee status decision-making to audiences around the world. She was the Canadian Social Sciences and Humanities Research Council's 2017 Bora Laskin National Fellow in Human Rights Research. She is a Lecturer in the Ethics, Society and Law program at Trinity College, University of Toronto, and an Adjunct Professor at Osgoode Hall Law School.



Guy S Goodwin-Gill is Professor of Law and Acting Director of the Kaldor Centre for International Refugee Law at UNSW Sydney. He is also Emeritus Fellow of All Souls College and Emeritus Professor of International Refugee Law at the University of Oxford, and formerly practised as a barrister from Blackstone Chambers in London. He has held academic appointments in the United Kingdom, Canada and the Netherlands, and has been a Visiting Professorial Fellow at the Université Libre de Bruxelles, the Geneva Academy of International Humanitarian Law and Human Rights, and the European University Institute in Florence. He has published widely in the areas of international refugee law, human rights law and humanitarian law, as well as on child soldiers and free and fair elections. He was the Founding Editor and Editor-in-Chief of the *International Journal of Refugee Law* (1988–2001). Between 1976–88, he worked for UNHCR in various roles. He obtained his BA (Honours), MA and doctorate from the University of Oxford.



Shaun Hanns is a former Protection Obligations Decision Maker from the Department of Home Affairs. In late 2018 he left the Department to protest the ongoing detention of refugees and asylum seekers on Manus Island and Nauru and to argue for changes to Australia's deterrence policies.



Abdul Karim Hekmat is a freelance journalist and PhD candidate at the University of Technology Sydney, where he explores refugee narratives in Australia through literary and artistic expression. Abdul regularly writes on asylum seeker and refugee issues in Australia; he has written for the Guardian, The Saturday Paper, The Sydney Morning Herald, The Age and The Monthly. He was a finalist for the 2018 Walkley Freelance Journalist of the Year, and the United Nations Media Peace Prize and Amnesty Media Prize in 2016. He received the University of Technology Sydney Alumni Award in 2012 for his work with refugee communities. He has participated in the Sydney Writers' Festival, Melbourne Writers' Festival and Emerging Writers' Festival. He is a board member of the Refugee Council of Australia.



Regina Jefferies is a Scientia PhD Scholar and Teaching Fellow at UNSW Sydney, an Affiliate of the Kaldor Centre for International Refugee Law and a Visiting Scholar at the UCLA Center for the Study of International Migration. She has worked as a consultant for the Washington Regional Office of UNHCR and was previously Visiting Assistant Professor at the University of Minnesota Law School, where she taught in the Detainee Rights Clinic and helped to lead a team of lawyers in challenging the Trump Travel Ban. She has served on the National Board of Governors of the American Immigration Lawyers Association (AILA), was Chair of the Arizona Chapter of AILA, and served on the US Citizenship and Immigration Services Field Operations Liaison Committee of AILA (2013-2017). She holds a Master of Studies from the University of Oxford. Her PhD project examines the role of street-level bureaucrats in the internalisation of the norm of *non-refoulement* in representative, in-depth case studies of Australia and the United States.



Jolanda Jetten is Professor of Social Psychology at the University of Queensland (UQ) and holds a PhD from the University of Amsterdam. She has held an Australian Research Council (ARC) Future Fellowship, UQ Development Fellowship and was recently awarded the Belgian Francqui Fellowship and an ARC Laureate Fellowship. Her research examines group processes, social identity and intergroup relations. Her most recent books are *The Wealth Paradox: Economic prosperity and the hardening of attitudes towards minorities* (with Frank Mols; Cambridge University Press, 2017) and *The New Psychology of Health: Unlocking the social cure* (with Catherine Haslam et al; Psychology Press, 2018). She was co-Chief Editor of the *British Journal of Social Psychology* and is currently co-Chief Editor of *Social Issues and Policy Review*. She was awarded the British Psychological Society Spearman Medal (2004) and the European Association of Social Psychology Kurt Lewin Medal (2014). She is the former President of the Society of Australasian Social Psychology and the current President of the Australasian Society for Philosophy and Psychology. She was elected as fellow of the Association of Social Sciences in Australia in 2015.



Andrew Kaldor AM has been an independent businessman since starting his first company in 1980. He is now an investor. He has been a Director of a number of publicly listed companies, the Sydney Symphony Orchestra (SSO) and other community organisations. He has commissioned many works by Australian composers for the SSO and other music groups. In 2013, he was made a Member of the Order of Australia for significant service to the arts. He holds a Bachelor of Economics (Honours) from the University of Sydney and a Master of Business Administration (Dean's Honours list) from Wharton at the University of Pennsylvania, where he was a teaching fellow. Mr Kaldor and his immediate family were accepted by Australia as refugees after the Second World War. He and his wife, Renata Kaldor AO, founded the Andrew & Renata Kaldor Centre for International Refugee Law at UNSW Sydney in 2013.



Mary Anne Kenny is Associate Professor in the School of Law, Murdoch University. She teaches and researches in the area of refugee and immigration law. She has a particular interest in the intersection of refugee law and issues related to mental health. She is an adjunct Associate Professor in the Centre for Human Rights Education at Curtin University. She was formerly the Chair of the Law Reform Commission of Western Australia. She is a former member the Minister's Council on Asylum Seekers and Detention (2012-2018), and previously chaired the independent Legal Sub-committee of the Joint Advisory Committee for the Governments of Australia and Nauru on the regional processing of asylum seekers.



Justice Melissa Perry was appointed to the Federal Court of Australia in 2013. She graduated in Law from Adelaide University with 1st class honours, and was awarded a prize-winning PhD in public international law from Cambridge University. She practiced at the Bar in Australia (1992-2013), being appointed Queen's Counsel in 2004, and was admitted to the Bar of England and Wales in 2012. Her areas of expertise in practice included constitutional law, administrative law, migration law, and international law. She serves as a Squadron Leader with the Royal Australian Air Force Legal Specialist Reserves and was appointed to the Defence Force Discipline Appeal Tribunal in October 2018. She is a member of the Judicial Council on Cultural Diversity established by the Council of Chief Justices and chaired the specialist committee which prepared the National Recommended Standards for Working with Interpreters in Courts and Tribunals (JCCD, 2017). She is a Foundation Fellow and former director of the Australian Academy of Law, and a member of the advisory boards for the Centre for International and Public Law (Australian National University) and the Gilbert + Tobin Centre of Public Law (UNSW Sydney). She served for many years on the Administrative Review Council, an independent statutory body which monitored and advised on federal administrative law. She recently co-edited *Australian Native Title Law* (2nd ed, 2018).



Sangeetha Pillai is a constitutional lawyer, a Senior Research Associate at the Kaldor Centre for International Refugee Law and a member of the Gilbert + Tobin Centre of Public Law. She completed her PhD at UNSW Sydney, as a member of the Laureate Fellowship project, 'Anti-Terror Laws and the Democratic Challenge', led by Professor George Williams. Sangeetha is an expert on Australian citizenship law, and the constitutional differences in the scope of government power that can be exercised over citizens and non-citizens. Her current work focuses on the impact of the Australian constitutional framework on refugees and people seeking asylum. Her scholarship has been published in leading Australian and international journals and texts, and she has spoken widely at conferences and events in Australia and abroad. She has also written for a variety of media outlets and has given evidence to parliamentary committees in several inquiries.



Nicholas Procter is Chair of Mental Health Nursing and leader of the Mental Health and Suicide Prevention Research Group at the University of South Australia. He has longstanding interests in refugee and asylum seeker mental health and suicidality, and has published extensively on these topics. He was formerly a member of the Steering Committee for the Commonwealth Ombudsman's Own Motion Investigation into Suicide and Self Harm across the Australian Immigration Detention Network, the Minister's Council on Asylum Seekers and Detention (2009-2018), and chaired the independent Physical and Mental Health Sub-committee of the Joint Advisory Committee for the Governments of Australia and Nauru on the regional processing of asylum seekers. In 2017, he was awarded the Partnering with Lived Experience Award and the Dr Margaret Tobin Award for leadership in mental health. That year he commenced leading a national targeted suicide prevention program for NGO workers supporting asylum seekers and refugees on temporary visas in Australia, and this work continues. He was awarded the Department of Correctional Services Merit Award (Community Partnerships) in 2019 as a member of the team delivering suicide prevention education to South Australian prison staff.

Shahyar Roushan is a Senior Member in the Migration and Refugee Division of the Administrative Appeals Tribunal and leads the Division's protection team in NSW. He was previously a Member and a Senior Member of the Migration and Refugee Review Tribunals. He is also a Senior Member in the Guardianship Division of the NSW Civil and Administrative Tribunal.



Edward Santow has been Human Rights Commissioner at the Australian Human Rights Commission since August 2016. He leads the Commission's work on detention and implementing the Optional Protocol to the Convention Against Torture (OPCAT); refugees and migration; human rights issues affecting LGBTI people; counter-terrorism and national security; technology and human rights; freedom of expression; and freedom of religion. His areas of expertise include human rights, public law and discrimination law. He is a Senior Visiting Fellow at UNSW Sydney, and serves on a number of boards and committees. In 2009, Ed was presented with an Australian Leadership Award, and in 2017, he was recognised as a Young Global Leader by the World Economic Forum. From 2010-2016, he was chief executive of the Public Interest Advocacy Centre. He was previously a Senior Lecturer at UNSW Law School, a research director at the Gilbert + Tobin Centre of Public Law and a solicitor in private practice.



Shukufa Tahiri is a Policy Officer with the Refugee Council of Australia and a member of the Kaldor Centre for International Refugee Law's Advisory Committee. Her work involves policy analysis, research and advocacy on issues affecting people seeking asylum and refugees. She is an executive director at Akademos Society, a charity that helps fund the education of girls and youth including child labourers in Afghanistan and Pakistan. She was chosen by the Australian Department of Foreign Affairs and Trade as one of two Australian civil society representatives to attend the month long United Nations Human Rights Council session 40 in Geneva. Amnesty International Australia recognised her as one of the top 15 women championing human rights in Australia in 2017. The Australian Financial Review named her as one of Australia's 100 Women of Influence in 2018.



Najeeba Wazefadost fled Afghanistan with her parents at the age of 10. She sought asylum in Australia by sea in 2000 and spent several months in mandatory immigration detention before being recognised as a refugee. She now holds a Bachelor of Medical Science and is CEO of Hazara Women of Australia, advocating for the rights of women, refugees and the release of children from detention. She has been actively involved in the development of refugee-led networks at the regional and global level, focusing on bringing together refugee-led organisations and refugee change-makers to discuss their lived experiences and propose solutions for more effective and sustainable refugee policy. She is on the Steering Committee for the Global Refugee-led Network and co-founder of the Asia Pacific Network of Refugees, which was established as a result of the Asia Pacific Summit of Refugees in October 2018. She is Chair of the Refugee Leadership and Participation Working Group of the Asia Pacific Refugee Rights Network. She is the founder of an Afghan women business network in the Asia Pacific, supporting women to establish their own businesses.

Join the conversation



Join the conversation and share your experience using #Kaldor19 and @kaldorcentre on Twitter.



Please note that all sessions except Panel 3 will be audio recorded for the Kaldor Centre podcast series, available via Apple Podcasts, Soundcloud and kaldorcentre.unsw.edu.au.

WiFi at the conference



WiFi is available at the conference. Simply unlock your device and navigate to Settings; WiFi; select 'UNSW Guest' network; enter your name and a valid email address. Next, check your email for a WiFi activation link to activate the service (note: there is a 5 minute activation window).

Catering at the conference




Lunch and break refreshments are provided by the House of Welcome. The House of Welcome catering social enterprise creates connections through cultural and fusion-inspired cuisine made by people from refugee and asylum seeker backgrounds.

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