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Australian Government  
Department of Immigration and Border Protection

**Submission**

For decision

PDMS Ref. Number MS15-016866

**To** Minister for Immigration and Border Protection  
**Subject** Ministerial intervention under section 195A of the *Migration Act 1958* in relation to s. 47F(1)

**Timing**

**Recommendation**

That you:

- 1. agree to intervene under section 195A of the *Migration Act 1958* to grant s. 47F(1) a Tourist visa (subclass 600);

Intervene /  decline to  
 intervene

- if agreed, please sign the decision documentations at Attachment A.

Minister for Immigration and Border Protection

Signature 

Date: 17/06/2015

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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)

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4. Your office has requested that s. 47F(1) case be referred to you for consideration under section 195A of the Act.

**Option for future management**

5. Your non-compellable power under section 195A is enlivened in s. 47F(1) case as she is in immigration detention.

Ministerial intervention under section 195A

6. If you are inclined to intervene in s. 47F(1) case under section 195A of the Act, the Department considers the grant of a Tourist visa (subclass 600), with the same conditions as the eVisitor visa s. 47F(1) held as the appropriate option. The Tourist visa would be granted with an 'enter before date' of 9 December 2015 and would allow s. 47F(1) to remain in Australia for a period of three months at a time.

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7. The Department also recommends placing the same conditions on the Tourist visa, as were attached to her eVisitor visa (conditions 8115, 8201, 8527 and 8528).

8. If you agree to intervene, please sign the decision documentation at Attachment A.

### Decline to intervene

9. Should you not agree to intervene in **s. 47F(1)** case, she is liable to be removed from Australia.

### Consultation – internal/external

10. Your office, Brisbane Airport Staff

### Consultation – Secretary/CEO

11. This submission has not been cleared by the Department's Secretary, Deputy Secretaries or the CEO of the Australian Customs and Border Protection Service.

### Client service implications

12. There are minimal client service implications.

### Sensitivities

13. N/A

### Financial/systems/legislation/deregulation implications

14. N/A

### Attachments

Attachment A Section 195A decision documentation

Attachment B Cancellation decision record

#### Authorising Officer

Cleared by:

*Suzanne Muir*  
Suzanne Muir  
A/g Assistant Secretary  
Caseload Assurance Branch

Date: 17/06/2015

Ph: **s. 47F(1)**

Contact Officer Chris De Ruyter, Director, Complex Case Resolution Section, Ph: **s. 47F(1)**

CC Acting Deputy Secretary, Kruno Kukoc  
FAS, CPD  
Manager, Qld Airports

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**EXERCISE OF MINISTERIAL DISCRETION  
UNDER SECTION 195A OF THE *MIGRATION ACT 1958***

**- STATEMENT TO PARLIAMENT -**

Exercising my powers under section 195A of the *Migration Act 1958* (the Act), I have decided to grant a visa under this section.

1. This person is detained under section 189 of the Act as an unlawful non-citizen.
2. Having regard to this person's particular circumstances and personal characteristics, I have decided to exercise my discretionary powers under section 195A of the Act as it would be in the public interest to grant this person a visa.
3. In the circumstances, I have decided that as a discretionary and humanitarian act to an individual with ongoing needs, it is in the interests of Australia as a humane and generous society to grant this person a Tourist visa (subclass 600).



**HON PETER DUTTON MP**  
Minister for Immigration and Border Protection

17/6/2015

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**EXERCISE OF MINISTERIAL DISCRETION  
UNDER SECTION 195A OF THE *MIGRATION ACT 1958***

**- DECISION INSTRUMENT -**

Name: s. 47F(1)  
Date of birth: [REDACTED]  
Client ID: [REDACTED]

1. The above person is in immigration detention under section 189 of the *Migration Act 1958* (the Act) and I have considered their case under section 195A of the Act.
2. I have determined that it is in the public interest to grant this person a Tourist visa (subclass 600).
3. I therefore exercise my power under section 195A of the Act to grant a Tourist visa (subclass 600) in favour of this person.



**HON PETER DUTTON MP**  
Minister for Immigration and Border Protection

17/6/2015

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