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Brief Summary of the involvement of Marion Le Consultancy in the Nauru Caseload:

- **December 2003** – Many of the Nauru Afghans request Marion Le and Hassan Ghulam act on their behalf. Signed 956 forms covering 284 asylum seekers (including all the family groups) arrived by fax authorising Marion to act on their behalf as their legal representative ie: Migration Agent.
- **December 23rd** – Minister and UNHCR agree to re-examine all the Afghans on Nauru in light of new COI information – UNHCR Consolidated report promised in near future.
- **January 2004** – Marion submitted all the 956 forms to the DIMIA and applied for the files under FOI. DIMIA released electronic copies of the 2002 review decision to Marion for each of the Afghan cases still on Nauru.
- The DIMIA made it clear that there would not be any funding available to assist any of the work Marion might chose to undertake. Community groups and individuals, however, were able to provide some financial assistance with the airfares and other costs. Groups who donated included RAR Groups, ACT RAC, Church Groups and the Romero Centre. Individuals who co-ordinated various fundraising to cover basic costs included Virginia Perkins, Jack Smit, Freddie Steen, Elaine Smith and Susan Metcalfe.
- **Mid February 2004** Marion and an interpreter travelled to Nauru – Marion assisted with all the UNHCR cases (22) (all were successful and resettled overseas, predominantly in New Zealand). Marion interviewed as many of the DIMIA caseload as she was able to – there were approximately 135 DIMIA “cases” (including the majority of the family groups). All the applicants had been interviewed by DIMIA just before Marion arrived.
- **March –April** – 2004 - worked on DIMIA Afghan cases – submitting more material to case officers as new information came in – following up very complex cases in person with Sydney-based case officers.
- **May 2004** All the Afghans except for 29 were accepted and brought to Australia – the rejected cases were cases that Marion had not been directly involved with up until that point in time.
- **June 2004** – Marion returned to Nauru with an interpreter and an assistant and assisted all those Afghans found to be refugees with their applications to enter Australia. She interviewed in depth all the rejected cases and determined what she could do to assist them further.
- **June-July 2004** – Case summaries, documents, witness statements and updated COI information submitted to the Department (Refugee and Humanitarian Section) on behalf of the majority of the rejected cases. Two major face to face meetings with the Director of Protection Planning Management.
- **August** – awaiting any changes in the May 2004 decisions – a lot of lobbying done by phone and following up of the progress of what we had submitted.

- **September 2004** – letter from Director of Protection Planning Management saying (in one sentence) there would be no changes to any rejection decisions. Afghans on Nauru “counselled” to return to Afghanistan. Mass panic amongst the Afghans on Nauru and Marion made formal contact with the UNHCR – and a spread-sheet of summaries was sent to the UNHCR.
- **October 2004** – UNHCR requested 2 page summaries on each case. Summaries constructed from Marion’s working files, which included her interviews, the copy of the 2002 review decision (rejection) and the 2004 re-examination decision (rejection) as well as any material passed to Marion by the applicants or their supporters. **STILL NO FOI RELEASES.**
- **November 2004** – non-stop lobbying on behalf of the remaining cases – all phone conversations recorded on file notes.
- **December 2004 - Iraqi decisions handed down**
- **Jan 2005** – FOI releases for all the Iraqi cases and a few of the Afghan Cases. Marion returned to Nauru and interviewed all of the rejected Iraqis and again interviewed all of the rejected Afghans.
- **Jan 2005** - The FOI Releases revealed that apart from one case officer on one file **none of the enormous amount of material submitted on behalf of the Afghan cases in June/July 2004 had even been placed on the files of the rejected applicants.**
- **January 24 2005** - Beginning of the process of constructing in-depth formal submissions critiquing the decision making process as revealed by the DIMIA files released under FOI – and including updated COI information about why each case meets the profile for needing protection for Convention reasons NOW in 2005.
- **Jan 31 2005** – In-depth generic submission to the DIMIA about material and documents not being placed on the files of the rejected Afghan applicants.
- **January – February – March – April** – continuing to receive the files under FOI and producing in-depth submissions for all the rejected Afghans, the Iraqis and other nationalities as files were released.
- **February 9 2005** – Second in-depth generic submission critiquing the handling of “new information” for applicants on Nauru.
- **March 23 2005** – Submission to the Minister listing Marion’s concerns about the past processing of the applicants who remained on Nauru, listing the flaws being revealed as the files are closely examined.
- **March 28 2005** – Long analysis of the delays in the release of files by the FOI Section listing the contact between Marion’s office and the FOI Section over fifteen months.
- **March 29 2005** – Written response from Marion to two letters regarding the Nauru Processing from the Manager of the Refugee and Humanitarian Section.
- **April 5 2005** – Further responses to the Refugee and Humanitarian Section relating to flaws in the processing of particular Nauru Afghan applicants.
- **May 2005** – last of the FOI releases arrives – **20 months after the FOI requests were lodged.**
- **May 20 2005** – Submission to the Manager of the Refugee and Humanitarian Section in relation to the remaining applicants and the progress of their submissions.
- **May 27 2005** – Generic submission to the Minister in relation to Marion’s concerns about the remaining cases on Nauru. In particular, seeking

assurances that no-one would be removed before all submissions were completed and given appropriate consideration.

- **May 28 2005** - All those Afghans who have had their submissions considered by the Department now found to be refugees. Remainder of the caseload offered the Reintegration package to return to Afghanistan. All contacted Marion to reaffirm that **she was still working on their cases** and will put more material to the Department to add to what went in June/July 2004.
- **May 28 2005** - DIMIA acknowledged in writing Marion's concerns "about aspects of decision making in relation to the Afghan caseload and others on Nauru" and stated "Examination of your views is continuing and you will receive a response in due course."
- **May 31 2005** – Research paper submitted to Minister listing a number of further concerns with DIMIA processing on Nauru, including the "preponderance of adverse material" and "dob-ins" that were placed untested on the files of those applicants continuously rejected from 2001 to 2004
- **June – July 2005** – further in-depth submissions on individual cases (Afghan and Iraqi and other nationalities) submitted. Marion focused particularly on cases where material from other asylum seekers was wrongly included on a rejected person's file – causing confusion and undermining the credibility of the applicants. This wrongly filed material included interview notes, bio-data, photographs and personal letters and according to some decision records directly led to the rejection of some applicant's claims.
- **June/July 2005** – last two families released and settled into the ACT.
- **June 2005** – A considerable amount of time was devoted to researching every statement on the public record (Hansard, Senate Estimates 2001-2005) in relation to the "Nauru Processing Guidelines." It was noted that each time the Guidelines were referred to it became more apparent that there were serious discrepancies between the stated "Guidelines" and how the interviews and reviews had actually been conducted.
- **July – August 2005** – further submissions for individual cases critiquing the flawed processing and restating the claims substantiated by updated COI and co-relating the cases with examples from the 250+ of Marion's onshore cases that were successful in 2004-2005. In many cases Marion's onshore cases had matching home areas, or perpetrators as Nauru cases, but the Nauru cases were obviously continuing to be measured by a different standard.
- **August 4 2005** – Generic submission about the Nauru cases sent to DIMIA – Protection Planning Management Section, within the Refugee and Humanitarian Section re: specific problems.
- **August 2005** – Marion gave oral evidence to the Senate Inquiry and submitted a number of documents illuminating the flawed processing of the Nauru caseload by both DIMIA and UNHCR.¹
- **August 16 2005** – FOI Request submitted to the DIMIA for "The Nauru Processing Guidelines."²
- **July - September 2005** – Continual liaison with DIMIA Central Office and Nauru re: remaining Nauru Caseload.

¹ Marion also highlighted some examples of flawed processing of onshore applicants held in Baxter for more than 4 years.

² Please note – these Guidelines were not released for nine months!

- **October 14 2005** – written confirmation from Robert Illingworth, Refugee and Humanitarian Section as to the resolution of the remaining caseload on Nauru.
- **October 16 2005** – follow-up over several days re: liaison between Mr Illingworth and Marion about the remaining UNHCR cases being encouraged to come to Australia.
- **November 2005** – **all but two of the remaining Nauru caseload admitted into Australia.**