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Minister For Immigration, Multicultural and Indigenous Affairs

Senator Amanda Vanstone

Parliament House, Canberra, ACT 2600

By Fax: 62734144

RE: CONCERNS ABOUT THE REMAINING AFGHAN APPLICANTS ON NAURU

Dear Minister,

I appreciate that officers of your Department are seriously considering the new information that I have been submitting during the course of 2005 on behalf of the rejected Afghan applicants who remain on Nauru.

I note that in Senate Estimates last night it was affirmed that the Department is considering the individual submissions and "looking for grounds to see if there is reason to change decisions that have already been made."¹ I note that reference was made to my "an advocate's" submissions during the Estimate's session last night.

I have also been working closely with the UNHCR this week.

Despite devoting considerable resources from my office, however, I have not yet been able to complete a formal individual submission for each of the rejected Afghan cases.

Long delays in the release of files through FOI have been one difficulty. In fact, I only received the last Nauru Afghan file this past week.

In the past month, I have made repeat submissions on behalf of some of the applicants, including two applicants who have only in the last two weeks received formal Certification of their Afghan Nationality from the Embassy of Afghanistan.

Minister, I have today completed a submission for Mr AXXX HXXXX. The mistakes made by the Department in the processing of his claim are extremely disturbing. These mistakes have heightened my concerns for others whose files I have not yet been able to read.

When I first interviewed Mr HXXXX in Nauru, I found his assertion, (that his identity had been confused with another applicant right through his process) hard to believe.

It was not until I received his DIMIA file and had a chance to analyse it that I realised the extraordinary mistakes made on his file which have totally disadvantaged him.

¹ Statement taken from my hand written notes of last nights answers to question posed by Senator Andrew Bartlett.

My submission on behalf of Mr HXXXX will be faxed to you shortly.

I am most concerned that the applicants for whom I have not yet had the opportunity to do formal submissions in 2005 may be disadvantaged in your future considerations of them given the alarming mistakes found on other files and graphically illustrated by Mr A HXXXX's case.

Minister, I am of the considered opinion that all of the Afghans remaining on Nauru were, when they fled to Australia, and are still, in need of protection. I urge you to grant them visas to enter Australia as you did with the other Afghans on Nauru last year.

Minister, if you can not decide positively for all of the group remaining on Nauru, I seek a commitment from you that no Afghans will be removed from Nauru until I have completed my work as their legal representative and my submissions have been considered by your Department.

Thank you for your assistance.

Yours sincerely,

MARION LE, OAM
27/05/2005