

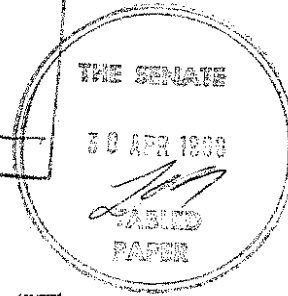
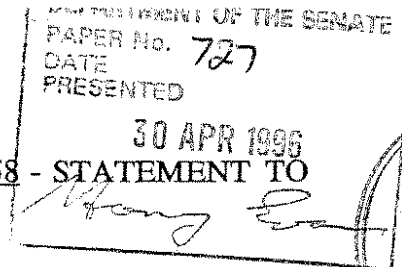
Appendix 6

Section 417 Statements

Examples of section 417 statements tabled in parliament by:

- Senator Bolkus
- Mr Ruddock
- Senator Vanstone

SECTION 417 OF THE MIGRATION ACT 1958 - STATEMENT TO
PARLIAMENT



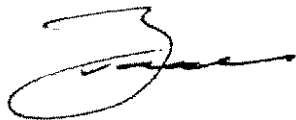
Exercising my powers under subsection 417(1) of the Migration Act 1958 ("The Act"), I have set aside a decision of the Refugee Review Tribunal (RRT) affirming a decision to refuse the grant of refugee status to the applicant and have substituted a decision to grant a Protection Visa.

1. The particular circumstances of this case were that the applicant had sought refugee status in Australia, was assessed against the 1951 United Nations Convention and the 1967 Protocol relating to the status of refugees and was determined not to be a refugee. The applicant's claims were reviewed by the RRT, and following that review, the applicant was again determined as not having the status of refugee.
2. Although the applicant has been found not to be a refugee, I have decided to exercise my discretionary powers under subsection 417(1) of the Act, as it would be in the public interest to allow the applicant to remain in Australia.

The applicant's circumstances are such that a return to their home country would mean that the family would be subjected to harassment and intimidation by both the authorities and the general populace. The applicant's religious beliefs are in conflict with the state religion which also dominates the laws of the country. The two children of the applicant have spent their formative years in Australia having arrived in Australia at the ages of 13 years and 3 years in 1984 and would have extreme difficulty adjusting to strict religious codes in place in their home country.

The applicant and his family have assimilated into the Australian community and it would be in the public interest to offer protection to this family.

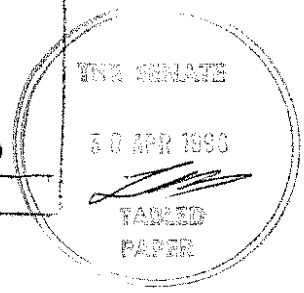
3. In the circumstances, I have decided that, as a discretionary and humanitarian act to an individual with a genuine ongoing need, it is in the interest of Australia as a humane and generous society to grant the applicant a Protection Visa.



NICK BOLKUS
Minister for Immigration and Ethnic Affairs

..7.1.8.1.95...

DEPARTMENT OF THE SENATE
PAPER No. 757
DATE
PRESENTED
30 APR 1996



SECTION 417 OF THE MIGRATION ACT 1958 STATEMENT TO
PARLIAMENT

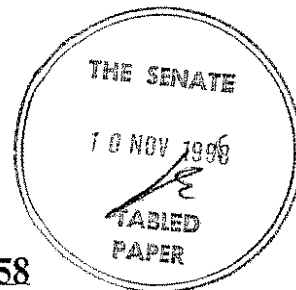
Exercising my powers under subsection 417(1) of the Migration Act 1958 ("The Act"), I have set aside a decision of the Refugee Review Tribunal (RRT) affirming a decision to refuse the grant of refugee status to the applicant and have substituted a decision to grant a Protection Visa.

1. The particular circumstances of this case were that the applicant had sought refugee status in Australia, was assessed against the 1951 United Nations Convention and the 1967 Protocol relating to the status of refugees and was determined not to be a refugee. The applicant's claims were reviewed by the RRT, and following that review, the applicant was again determined as not having the status of refugee.
2. Although the applicant has been found not to be a refugee, I have decided to exercise my discretionary powers under subsection 417(1) of the Act, as it would be in the public interest to allow the applicant to remain in Australia. Although the situation giving rise to the applicant's fears has undergone fundamental changes, the applicant has been severely traumatised by his past experiences and it would be inhumane to return him to his country because of his subjective fear. Additionally, the applicant's medical condition prevents him from undertaking the necessary travel to depart Australia.
3. In the circumstances, I have decided that, as a discretionary and humanitarian act to an individual with a genuine ongoing need, it is in the interest of Australia as a humane and generous society to grant the applicant a Protection Visa.

NICK BOLKUS
Minister for Immigration and Ethnic Affairs

...../...../.....

DEPARTMENT OF THE SENATE
PAPER No. 631
DATE 10 NOV 1998
PRESENTED
Murray Evans



SECTION 417 OF THE MIGRATION ACT 1958

- STATEMENT TO PARLIAMENT -

Exercising my powers under subsection 417(1) of the Migration Act 1958 ("The Act"), I have set aside a decision of the Refugee Review Tribunal (RRT) affirming a decision to refuse the grant of a Protection Visa to the applicant and have substituted a decision to grant a Protection Visa.

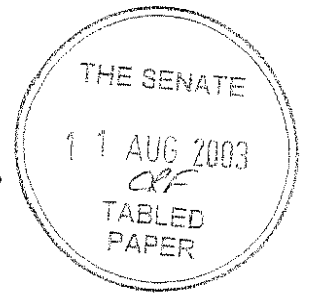
1. The particular circumstances of this case were that the applicant had sought the grant of a Protection Visa in Australia, was assessed against the 1951 United Nations Convention as amended by the 1967 Protocol relating to the status of refugees and was determined not to be a person to whom Australia has protection obligations. The applicant's claims were reviewed by the RRT, and following that review, the applicant was again determined as not being a person to whom Australia has protection obligations.
2. Although the applicant has been found not to be someone to whom Australia has protection obligations, I have decided to exercise my discretionary powers under subsection 417(1) of the Act, as it would be in the public interest to allow the applicant to remain in Australia. Having regard to the applicant's particular circumstances and personal characteristics, I think it would be in the public interest to allow him to remain in Australia.
3. In the circumstances, I have decided that as a discretionary and humanitarian act to an individual with a genuine ongoing need, it is in the interest of Australia as a humane and generous society to grant the applicant a Protection Visa.

A large, handwritten signature in black ink, appearing to read "Philip Ruddock".

PHILIP RUDDOCK

Minister for Immigration and Multicultural Affairs

13/5/1998



SECTION 417 OF THE *MIGRATION ACT 1958*

- STATEMENT TO PARLIAMENT -

Exercising my powers under subsection 417(1) of the *Migration Act 1958* ("The Act"), I have set aside a decision of the Refugee Review Tribunal (RRT) affirming a decision to refuse the grant of Protection visas to the applicants and have substituted a decision to grant subclass 856 Employer Nomination visas.

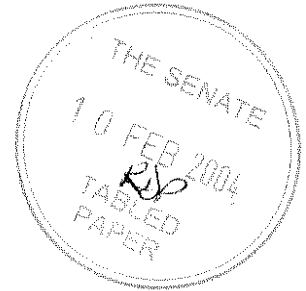
1. The particular circumstances of this case were that the applicants have sought the grant of Protection visas in Australia, were assessed against the 1951 United Nations Convention as amended by the 1967 Protocol relating to the status of refugees and were determined not to be people to whom Australia has protection obligations. The applicants' claims were reviewed by the RRT, and following that review, the applicants were again determined as not being people to whom Australia has protection obligations.
2. Although the applicants have been found not to be persons to whom Australia has protection obligations, I have decided to exercise my discretionary powers under subsection 417(1) of the Act, as it would be in the public interest to allow the applicants to remain in Australia. Having regard to the applicants' particular circumstances and personal characteristics, I consider it would be in the public interest to allow the applicants to remain in Australia.
3. In the circumstances, I have decided that as a discretionary and humanitarian act to people with a genuine ongoing need, it is in the interest of Australia as a humane and generous society to grant the applicants subclass 856 Employer Nomination visas.

PHILIP RUDDOCK
Minister for Immigration and Multicultural and Indigenous Affairs

...../...../2003

SECTION 417 OF THE *MIGRATION ACT 1958*

- STATEMENT TO PARLIAMENT -



1. Exercising my powers under section 417 of the *Migration Act 1958*, I have substituted for a decision of the Refugee Review Tribunal (RRT) not to grant Class AZ / Subclass 866 Protection Visas to the applicants, a decision to grant them Class XB / Subclass 202 Global Special Humanitarian (Offshore – Permanent) Visas.

2. The particular circumstances of this case were that the applicants had sought the grant of a Protection Visa in Australia, were assessed against the 1951 United Nations Convention as amended by the 1967 Protocol relating to the status of refugees and were determined not to be persons to whom Australia has protection obligations. The applicants' claims were reviewed by the RRT, and following that review, the applicants were again determined not to be persons to whom Australia has protection obligations.

Although the RRT applicants have been found not to be persons to whom Australia has protection obligations, I have decided to exercise my discretionary powers under subsection 417(1) of the Act, as it would be in the public interest to allow the RRT applicants to remain in Australia. Having regard to the RRT applicants' particular circumstances and personal characteristics, I have decided to grant Class XB / Subclass 202 Global Special Humanitarian (Offshore - Permanent) Visas.

3. I took the view that the circumstances in this case justify its approval in the public interest as a reflection of Australia as a compassionate and humane society.

4. Accordingly, it is appropriate in this case that I exercised my powers under section 417 of the Act.

A handwritten signature in black ink, appearing to read 'AMANDA VANSTONE'.

AMANDA VANSTONE
Minister for Immigration and Multicultural and Indigenous Affairs

Dated: 3/12/03



SECTION 417 OF THE *MIGRATION ACT 1958*

- STATEMENT TO PARLIAMENT -

1. Exercising my powers under section 417 of the *Migration Act 1958*, I have substituted for a decision of the Refugee Review Tribunal (RRT) not to grant Class AZ / Subclass 866 Protection Visas to the applicants, a decision to grant them Class XB / Subclass 202 Global Special Humanitarian (Offshore – Permanent) Visas.

2. The particular circumstances of this case were that the applicants had sought the grant of a Protection Visa in Australia, were assessed against the 1951 United Nations Convention as amended by the 1967 Protocol relating to the status of refugees and were determined not to be persons to whom Australia has protection obligations. The applicants' claims were reviewed by the RRT, and following that review, the applicants were again determined not to be persons to whom Australia has protection obligations.

Although the RRT applicants have been found not to be persons to whom Australia has protection obligations, I have decided to exercise my discretionary powers under subsection 417(1) of the Act, as it would be in the public interest to allow the RRT applicants to remain in Australia. Having regard to the RRT applicants' particular circumstances and personal characteristics, I have decided to grant Class XB / Subclass 202 Global Special Humanitarian (Offshore - Permanent) Visas.

3. I took the view that the circumstances in this case justify its approval in the public interest as a reflection of Australia as a compassionate and humane society.

4. Accordingly, it is appropriate in this case that I exercised my powers under section 417 of the Act.

AMANDA VANSTONE
Minister for Immigration and Multicultural and Indigenous Affairs

Dated: 13/12/03

