

Families being split up, claim refugee groups

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The Federal Government has been accused of splitting up families after intervening in only 3 per cent of protection visa cases in the past three months.

The Minister for Citizenship and Multicultural Affairs, Peter McGauran, appears to be taking a much harder line than former immigration ministers Amanda Vanstone and Philip Ruddock in cases where foreign applicants already living in Australia seek to stay in the country on humanitarian grounds.

New Immigration Department figures, obtained by the Herald, show that between October and December last year Mr McGauran intervened in only 24 out of 690 cases in which he was asked to use his ministerial discretion to grant protection visas. Some of the applications had been resubmitted to the minister after applicants obtained new information to support their claim.

In his last seven days as immigration minister in 2003, Mr Ruddock exercised his ministerial discretion to grant 203 visas.

Applications from people in detention are dealt with by the Immigration Minister, Senator Vanstone. Between October and December last year, she granted visas to 44 per cent of detainee applicants (22 out of 50 applications). In October, Senator Vanstone gave Mr McGauran the power to intervene in cases where applicants were living in the community.

David Bitel, the president of the Refugee Council of Australia, said many "clearly compelling and compassionate" applications had been knocked back by Mr McGauran. Mr Bitel believes the minister has effectively introduced a "new ball game", although any change in criteria has not been publicly announced.

On Thursday, Sussan (who did not want her surname used), who is awaiting the birth of her second child, received a letter at her rented home in Liverpool informing her Lebanese husband that his application had been rejected.

The letter said the minister had decided against employing section 417 of the Migration Act, which allows him to grant visas when all other avenues have failed.

"How am I going to support myself? We're going to lose our source of income," Sussan told the Herald. Her husband will have to leave the country, leaving his wife and two-year-old daughter behind.

Sussan's husband applied for a permanent protection visa on the ground that he feared for his safety in Lebanon as a result of a bitter business dispute.

After the department rejected his application and an appeal to the Refugee Review Tribunal failed, the father of two sought the ministerial intervention.

Labor's immigration spokesman, Laurie Ferguson, said he had seen "a significant number of cases rejected recently where there were Australian children involved and strong family ties to the country". Under Mr McGauran's predecessors, he said, "many of these cases would clearly have had a favourable outcome".

Mr McGauran said he gave thorough and detailed consideration to every request. "I understand the impact my decision will have on those involved," he said. "It's absurd to say that there is less intervention when a child is involved, just as it's absurd to say there's a higher rate if there's not a child involved."

Mr Ferguson called for establishment of a special committee to make independent recommendations on the use of ministerial discretion.

Past Labor and Coalition ministers have been accused of abusing the largely unchecked power for political purposes.

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