

**TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE HOUSE OF
REPRESENTATIVES**

The petition of certain representatives of a ‘minority ethnic Latin American community’

Draws to the attention of the House:

1. The Minister for Immigration discretionary power under s499 of the Migration Act 1958 and the Ministerial guidelines for unique and exceptional circumstances created under this section of the Act.
2. The community expectation that the Minister for Immigration will comply with this provision of the Migration Act 1958 without breaches to the ‘*hearing rule*’.

IT IS SUBMITTED that the Minister decision stating ‘*it would not be in the public interest to intervene*’, was derived from a ‘*flawed assessment*’ on the Applicant’s case. The Minister ‘*ignored*’ to consider the applicant’s brother who is resident of Australia. Therefore, lack of ‘*procedural fairness*’ is a clear breach to the ‘*hearing rule*’. The decision must be declared invalid due to an ‘*administrative error*’.

IT IS SUBMITTED that the Judiciary system of Australia has not jurisdiction to review such decision. The Applicant’s brother and family members resulted aggrieved. The Applicant previously applied for Protection visa, if returned to Colombia his life would be in high risk of danger which will bring psychological consequences to his brother.