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**ATTN: Mr Robert Illingworth, Assistant Secretary
Refugee and Humanitarian Section
Department of Immigration, Multicultural and Indigenous Affairs,
PO Box 25, Belconnen, ACT 2616
By Fax: 6264 3483**

RE: PROGRESS OF SUBMISSIONS FOR NAURU APPLICANTS:

Dear Mr Illingworth,

Thank you for your telephone call of last Tuesday evening (17/5/05) in which you briefed me in relation to the Minister's Press Release on the MOU between Afghanistan and Australia. I did appreciate your thoughtfulness.

In relation to the ongoing processing of the people on Nauru, I refer to the recent letter (dated 6/5/05) from the DIMIA First Assistant Secretary, Mr Peter Hughes (dated 6/5/05) confirming that you were the appropriate person for me to communicate with about these matters.

Please note that I have already notified the Minister that I am most concerned about the following Iraqi cases:

- 1. MA J**
- 2. A A S**
- 3. R and W AT**

These applicants are very vulnerable and have family members who are Australian citizens and resident in Australia who are ready to care for them. I will be submitting further information about them in the next few days. I believe them to have strong refugee, as well as humanitarian claims.

As you know, I submitted a large body of material to the Refugee and Humanitarian Section in June and July (2004) on behalf of the Afghan cases. This new information was submitted **after** the re-examination decisions had been handed down in May 2004. As such, this material was **not** taken into consideration before the applicants were rejected in 2004.

I then visited Nauru in January 2005, and interviewed most of the rejected applicants from the Afghan and Iraqi caseloads. Since my return I have followed up their outstanding applications under FOI and can report that **just yesterday** I received the last DIMIA files under FOI for the rejected Afghan and Iraqi applicants on Nauru.

Reading the DIMIA files has enabled me to have a clearer indication on why rejected applicants have “fallen through the cracks.” I refer to two letters about the rejected cases I have already submitted to the Minister (dated 24/3/05) and to yourself (dated 29/3/05) which articulate some of the flaws in the decision making process.

I have now begun the task of doing individual submissions on behalf of most of the rejected cases. I intend making submissions for **ALL of the rejected Afghan cases and the majority of Iraqi cases.**

In his recent letter Mr Hughes also stated that “*any further points (about individual cases) could be conveyed in writing so that they can be made available to case officers as soon as possible.*”

I appreciate this assurance from Mr Hughes that our submissions will be/are being made available to case officers.

If the case officers require more information from me in relation to the country of origin, I am happy to make further submissions as I do with onshore cases. In addition, if it is decided that the applicants need to be re-interviewed, I will travel back to Nauru to attend the interviews. It may be, however, that the new evidence submitted is enough for positive decisions to be made on the papers.

In the event that negative decisions are being considered I would appreciate being notified in advance so that I have the opportunity, if I wish, to make further representations on their behalf.

Other nationalities:

I have also forwarded on information in relation to the Iranians and the Bangladeshi cases and informed the Minister I will put in a further submission on behalf of the Bangladeshi MSH if requested once I have received his file under FOI.

Thank you for your assistance.

Yours sincerely,

MARION LE, OAM
20/5/05

In relation to the individual submissions I completed in 2005 and forwarded to both the Minister and the Department, I wish to confirm that you have received material for the following people:

Afghan Cases:

1. AJR
 - original submission dated 30/7/04
 - resubmitted 31/1/05

2. M ZDS
 - Submission dated 31/1/05
3. AYM
 - First 12005 submission dated 31/1/05
 - Second submission dated 3/3/05
 - Plus a third letter to Janine Murfet re: the 3/3/05 submission – dated 5/4/05.
4. AR
 - A short summary was submitted on 31/1/05
 - A further submission dated 9/2/05
5. AR
 - Submission dated 11/2/05
6. BA
 - Submission dated 18/3/05
7. H Family
 - Original 2005 Submission dated 22/3/05
 - Second submission with new information dated 4/5/05

Iraqi Cases:

(1)K and H AM

- Submission dated 1/4/05
- Second submission dated 6/5/05

(2) M AZ

- Submission dated 31/3/05
- Letter with new information 3/5/05
- Forwarding medical letter 18/5/05

(3) M A S

- Submission dated 8/5/05

(4) S AK

- Letter about missing letter – 9/5/05
- Submission dated 12/5/05