



The Hon Kevin Andrews MP
Minister for Immigration and Citizenship

Statement
Saturday, 28 July 2007
KA064/07

DR HANEEF

Last night lawyers for Dr Haneef contacted officials from the Department of Immigration and asked if Dr Haneef could leave Australia as soon as possible.

After taking advice, including from the Australian Federal Police, I have indicated that the Commonwealth has no objection to Dr Haneef departing Australia.

Indeed the effect of Dr Haneef's visa cancellation is that he should depart Australia.

As I indicated yesterday I had also sought advice from the Commonwealth Solicitor General, David Bennett, about any implication for my decision because of the Director of Public Prosecutions withdrawing the charge against Dr Haneef.

The Solicitor General has examined all relevant material today and has advised me of the following:

1. That the decision to cancel Dr Haneef's visa was open to me on the material presented by the AFP at the time – and that it was within my discretion.
2. Accordingly, the current appeal against the cancellation of Dr Haneef's visa in the Federal Court will fail.

Furthermore, the Solicitor General has advised that despite the charge being withdrawn, it would still be open to me to now reach the same conclusion as I originally did.

Accordingly, I do not propose to change my decision, and the Federal Court appeal will be resisted.

I propose to release Mr Bennett's advice, once he has committed it to writing.

I am also seeking advice as to whether I can now release the protected information on which I based my decision to cancel Dr Haneef's visa.

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