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Dr Haneef – Advice from Solicitor-General

31 July 2007

Today I met with the Solicitor-General and received his written opinion in relation to the exercise of my power to cancel Dr Haneef's visa under the *Migration Act*.

I have also discussed with the Solicitor-General and the Commissioner of the Australian Federal Police (AFP) the release of the *Part B Protected* information provided to me by the AFP.

I am mindful of the balance that exists between protecting information that is of relevance to ongoing investigations in Australia and the United Kingdom and informing the public of all of the information that was available to me in making my decision to cancel Dr Haneef's visa.

The Solicitor-General's advice to me is clear – there was material before me from the AFP on which I could validly make a decision to cancel Dr Haneef's visa.

Further, based on the material that is known now, I could make that same decision.

I am releasing the Solicitor-General's advice to me. It includes a reference to some elements of the *Part B Protected* information. It includes important information on which I relied in making my decision. I will not however release the full *Part B Protected* material as I have been advised that this would have the effect of prejudicing further investigations both in Australia and internationally.

Let me turn to the material that Mr Bennett has included in his advice. It includes matters already known including the cousins in the UK, accommodation arrangements, the lending of money and the mobile phone and the SIM card.

Importantly there was a computer room conversation with Dr Haneef's brother in India on the afternoon of his attempted departure from Australia.

In it the brother (Shuaib) says:
'Nothing has been found out about you' and asks when Dr Haneef would be getting out to which he replied 'today'.

The brother asked whether he had permission to take leave and what he told hospital.

Dr Haneef said he told them his baby was born in an emergency caesarean. The brother told him to 'tell them that you have to as you have a daughter born do not tell them anything else.'

The brother then said not to delay his departure and not to let anyone else use his number in Australia or give it to anyone.

The brother added that 'Aunty told him that brother Kafeel used it; he is in some sort of project over there.' The brother also referred to the disturbance (incident) which happened.

The Federal Police advised me prior to making my decision that AFP investigators:

- Suspect that the Internet conversation between Haneef and his brother may be evidence of Haneef's awareness of the conspiracy to plan and prepare the acts of terrorism in London and Glasgow, and
- Consider Haneef's attempted urgent departure from Australia, on a one-way ticket, for a purpose which appears to be a false pretext, to be highly suspicious and may reflect Haneef's awareness of the conspiracy to plan and prepare the acts of terrorism in London and Glasgow.

The Solicitor-General has advised me that:

In exercising my discretion I was entitled to have regard to a number of other matters including the criminal charge, the enormity of the suspected criminality of the Ahmed brothers, the extent of the association and the conversation with Shuaib which was capable of raising suspicions about Dr Haneef's own knowledge or involvement.

Since making my original decision to cancel Dr Haneef's visa, I have been advised subsequently that:

- Dr Haneef did not mention to Dr Ali on the Sunday that he was planning to return to India.
- He did not apply for leave from the hospital when he went to work on Monday morning.
- It was not until after he received two telephone calls, one from India, having been told in both calls that there was an issue about his SIM card, that he applied for leave from the hospital.

The whole circumstances surrounding Haneef's attempted hasty departure, including the chat room conversations, when viewed against his clear prior association with the Ahmed brothers, led me to form a reasonable suspicion, as required by the Act.

The Solicitor-General's advice is available below.

See: [Advice from Solicitor-General](#) (50KB PDF file)

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Last update: 01 August 2007 at 12:53 AEST