



Law Council  
OF AUSTRALIA

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# Media Release

## Law Council Calls for Bridging Visa as an Alternative to Haneef Detention

The Law Council is calling on the Minister for Immigration, Kevin Andrews, to consider issuing a bridging visa to ensure Dr Mohamed Haneef does not have to await his trial in detention.

Law Council President Tim Bugg said, "Dr Haneef has opted for detention in a Brisbane gaol rather than immigration detention in Sydney so as to remain close to his legal advisors."

"In reality, he is not in detention because of the charges against him or because he has been deemed a threat to the community. He is in detention because he no longer has a valid visa. "

"The Minister's decision to cancel Dr Haneef's visa has made him, in the words of the Migration Act, an 'unlawful non-citizen in the migration zone'."

The Migration Act specifically provides that where the Minister has cancelled a person's visa on the basis that they have failed the character test, but for practical reasons that person cannot be deported immediately, the Minister may grant the person a temporary *Bridging Visa R Class WR*.

"After hearing evidence and robust arguments from both sides, a court has already decided that Dr Haneef is not a flight risk and is not a threat to the community," Mr Bugg said.

"Surely on that basis Kevin Andrews can be satisfied that a bridging visa should be issued," he said.

"If Mr Andrews' decision was made for a proper purpose, then his aim was not to detain Dr Haneef but to deport him. That not being a likely prospect in the near future, he should consider issuing a bridging visa," Mr Bugg concluded.

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