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## Humane directive for visa approval

Yuko Narushima Immigration Correspondent  
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CASES like the prosecution of Mohamed Haneef are unlikely to be repeated in Australia because rules have been tightened to stop visas being cancelled on speculative character grounds.

The Immigration Minister, Chris Evans, issued the directive last week, continuing a pattern of talking tough on immigration while introducing more humane measures without fanfare.

The changes narrow the character grounds on which a minister can deny or strip a person of a visa. Over the past decade such cancellations under section 501 of the Migration Act swelled from a handful before 1999 to many hundreds.

The new direction was welcomed by human rights and immigration lawyers.

The president of Australian Lawyers for Human Rights, Susan Harris Rimmer, said it brought Australia into step with international standards, by removing subjective testing.

"It makes us look less insular and capricious," Ms Harris Rimmer said.

Under the new rules, an association with someone deemed to be of bad conduct, as in Dr Haneef's case, is no longer a good enough reason to revoke a person's visa.

"You have to consider all of a person's conduct, including their good conduct. Mere knowledge of bad conduct is not enough," Ms Harris Rimmer said.

In 2007 the Indian doctor was stripped of his visa within hours of being granted bail on a false charge of recklessly assisting a terrorist organisation. He had no convictions and was embroiled in the affair for giving a SIM card to the brother of a second cousin who died trying to bomb Glasgow airport.

The grounds for criminal deportation have also changed. Previously, if a permanent resident committed a crime that attracted a prison sentence of more than a year, that person could be deported, even if they had grown up in Australia.

In the case of Ali Tastan, a man with paranoid schizophrenia was deported to Turkey despite having lived in Australia for almost 30 of his then 43 years.

Mr Tastan had served a total of seven years' jail for malicious wounding, arson, larceny and drug offences. In Turkey he was beaten and left homeless.

"It's a significant reform," said Kerry Murphy, an immigration lawyer. "Before, long-term residents could be returned to the country of their birth when they had little, if any, connection to that country."

Immigration officials must take into account a person's age of arrival, links to the country, mental health and ability to start a new life elsewhere.

*This story was found at: <http://www.smh.com.au/national/humane-directive-for-visa-approval-20090622-cu0e.html>*