

Peter Mares' queries regarding Francesca Teua visa application

Why did the Minister decide not to intervene and grant a visa in the case of Solomon Islander Ms Francesca Teua?

By refusing to grant a permanent visa to the foreign parent of an Australian child, isn't the government at risk of breaching the Convention on the Rights of the Child, which states, at Article 9, that: "*Children should not be separated from their parents unless it is for their own good. For example, if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might harm the child.*"

Given the growth in temporary migration to Australia, cases of this nature are likely to become more common. The current process is very inefficient. Why not create a new, more straightforward permanent visa pathway for the parents of Australian citizen children for cases where the relationship with the Australian parents has broken down?

Is the government concerned that if such a visa pathway were available, then some temporary migrants might seek to have a child with an Australian partner simply in order to secure a visa?

RESPONSE: Assistant Minister for Immigration and Border Protection, Senator the Hon Michaelia Cash

Your enquiry regarding Ms Francesca Teua has been forwarded to me for a response. The following can be attributed to a spokesman for the Assistant Minister for Immigration and Border Protection, Senator the Hon Michaelia Cash;

“Ms Teua departed Australia voluntarily on 16 March 2015 with her daughter.”

“Ms Teua was granted bridging visas to allow her sufficient time to organise her affairs before leaving.”

“The Department can confirm Ms Teua made requests for ministerial intervention after her appeal was rejected by the Refugee Review Tribunal.”

“The Minister's public interest powers are personal and non-compellable. The Minister is not compelled to explain decisions to intervene or not consider an individual request, however the Minister considered the Convention of the Rights of the Child in Ms Teua's case.”

“The decision of whether or not to grant Ministerial Intervention is made with all of the available information at hand and is often a complex and difficult determination.”

“There are existing visa pathways where a relationship exists with an adult sponsor, including the partner visa.”

“There are also other options for permanent visas such as a skilled visa, depending on the individual circumstances of the visa applicant.”

“People whose requests for intervention have been unsuccessful and who do not have other matters before the Department are expected to depart Australia.”

I trust the above is helpful.

David De Garis

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