



PRISONERS' LEGAL SERVICE INC

CHAINMAIL

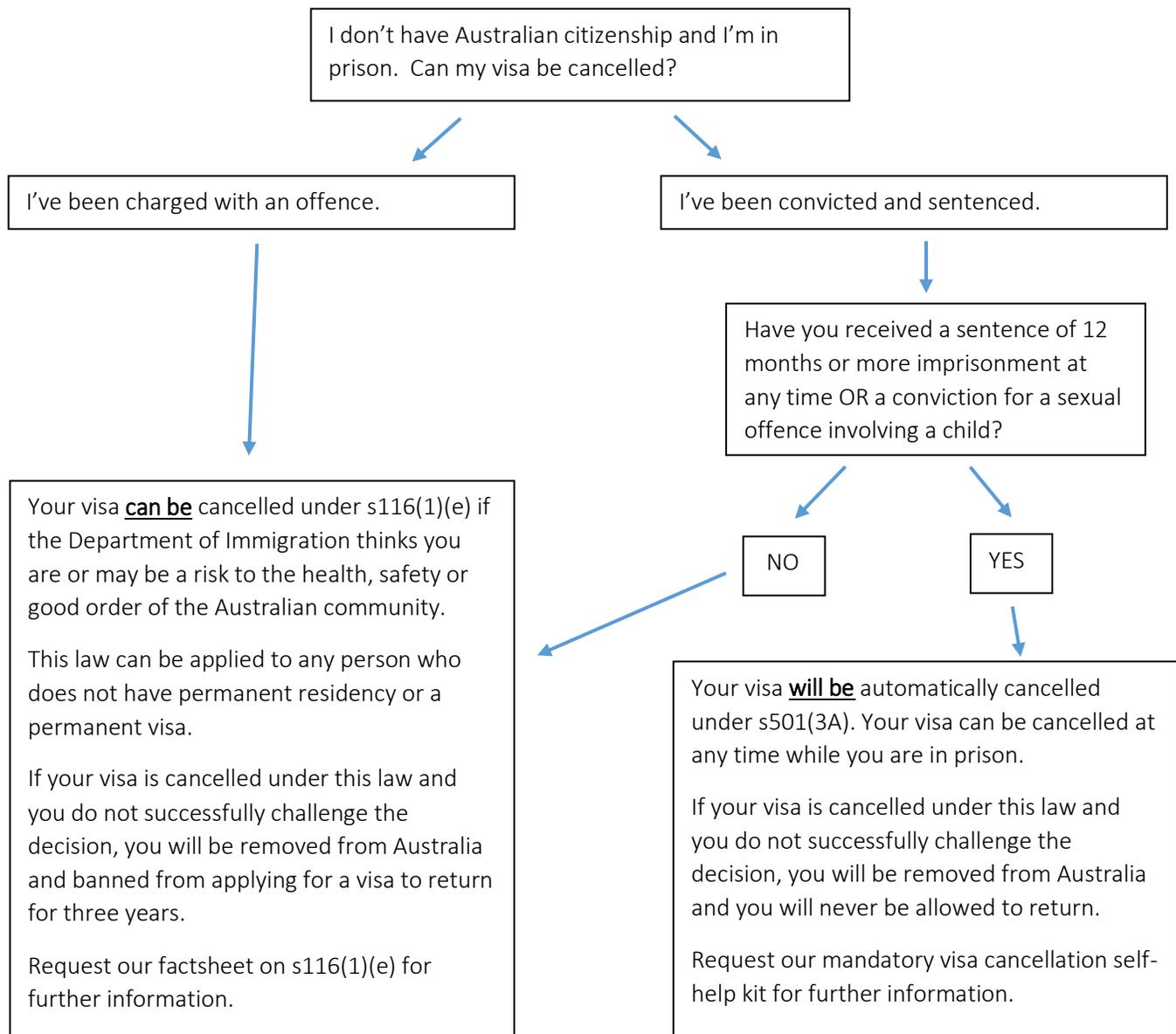
INFORMATION BROADSHEET FOR PRISONERS OF QUEENSLAND

110th Edition April 2018

JUSTICE BEHIND BARS

Visa Cancellation

This flowchart explains the different types of visa cancellation laws in the Migration Act 1958 (Cth) that apply most commonly to prisoners. You can use this to work out if your visa may be cancelled.



Prisoners' Legal Service Inc.
Postal Address: GPO Box 257, Brisbane QLD 4001

Justice Behind Bars
Free Advice Line: Tues, Wed, Thurs from 9am to 1pm

This broadsheet is intended to provide legal information only and is no substitute for legal advice. If you wish to take any action arising from matters raised in this publication you should consult a lawyer immediately.



PRISONERS' LEGAL SERVICE INC

CHAINMAIL

INFORMATION BROADSHEET FOR PRISONERS OF QUEENSLAND

110th Edition April 2018

JUSTICE BEHIND BARS

PAROLE AND VISA CANCELLATION

Decisions about your parole are made by the Parole Board and are separate to decisions made by the Department of Immigration. This means you can be granted parole or be given a court-ordered parole release date, even if your visa has been cancelled or will be automatically cancelled.

However, if you are paroled and your visa has been cancelled, you will not be released into the community as you do not have a visa. Instead, you will be taken into immigration detention.

If you are challenging a visa cancellation decision and want to stay in Australia:

If you have a court-ordered parole release date, you will be released on this date and picked up by Australian Border Force. You will be taken into immigration detention and remain there until a decision is made on your challenge. If you are successful, you will be released into the community onto your parole order.

If you are applying for board-ordered parole, you will need to provide an Australian address for an accommodation risk assessment with your parole application. This is because if you are granted parole and you get your visa back, you will be released into the community and you must live at the address that has been approved by the Parole Board. If a decision has not been made on your challenge by the time of your parole release date, you will be taken into immigration detention and remain there until a decision is made on your challenge.

If you are accepting a visa cancellation decision and want to return to your country:

If you have a court-ordered parole release date, you will be released on this date and picked up by Australian Border Force. You will be taken into immigration detention until arrangements can be made for your removal.

If you are applying for board-ordered parole and your visa has been cancelled, you can apply for parole subject to removal from Australia. You do not need to provide an Australian address for a home assessment. You can request the Parole Board confirm your removal with the Department of Immigration directly.

It is important to understand that any prisoner applying for parole subject to removal from Australia **will still need to satisfy the Parole Board that they are a suitable candidate for parole**. This means the Parole Board may consider your release plans in your country in deciding whether you pose an unacceptable risk to the community, including where you intend to live and who you will be living with. Because the Parole Board will not be able to enforce your compliance with your Queensland parole order in another country, they may also consider whether you will be appropriately supervised in your country.

Any prisoners seeking advice about this process can contact PLS.

Prisoners' Legal Service Inc.
Postal Address: GPO Box 257, Brisbane QLD 4001

Justice Behind Bars
Free Advice Line: Tues, Wed, Thurs from 9am to 1pm

This broadsheet is intended to provide legal information only and is no substitute for legal advice. If you wish to take any action arising from matters raised in this publication you should consult a lawyer immediately.