

**Subject:** Violation of an Intrinsic Australian - Thorsten Nolks

**From:** Garth Eaton <garth.eaton@theajt.org.au>

**Date:** Mon, 03 Aug 2015 10:52:08 +1000

**To:** assistantminister@border.gov.au



**The Australian Justice  
Tribunal**

Senator the Hon Michaelia Cash MP  
Assistant Minister for Immigration and Border Protection  
Parliament House  
Canberra ACT 2600

Dear Minister,

**HUMAN RIGHTS OF AN INTRINSIC AUSTRALIAN - THORSTEN NOLKS**  
(Client ID 1-4IVCOYH)

I will begin my plea for the reinstating of human rights by briefly describing the profile of Thorsten Nolks; a man as intrinsically Australian as many Members and Senators of our Australian Parliament.

It needs to be said at the outset that stopping the boats is one thing; but deporting our own is a policy extension too far. And that is the sad truth of the inhumane treatment of this man:

**DOB:** 27/12/1971

**POB:** Puttlingen, Germany

**Qualifications:** Analytical Chemist (Charles Darwin University)

**Arrived in Australia:** February 1982 (Thorsten was 10)

**Parents:** Frank and Ursula Nolks, now living in Germany

**Visa Status:** Parents arrived on a holiday visa which expired. They decided to remain in the Northern Territory as productive members of society before eventually returning to Germany of their own volition.

**Residency Status of Thorsten:** At all times up until mid 2007, Thorsten believed he was a permanent resident of Australia.

**Citizenship Application:** On 7/06/2007 Thorsten decided to apply for Australian Citizenship at the NT Department of Immigration. He was then advised that he was not on record as a permanent resident.

**Bridging Visa Granted:** Ms Dale Ashbury of the NT Department of Immigration assisted Thorsten to apply for a Bridging Visa which was granted 8/06/2007.

**Marriage:** Thorsten married his partner, Kellie Lyn Nolks (nee Jones) on 16/08/2008.

**Spouse Visa and Permanent Resident Visa:** On 19/08/2010, two years after his marriage, Thorsten applied for a Spouse Visa and Permanent Resident Visa. I believe this is known as a Partner Combined (UK 820/BS 801) Visa application. Attached to this application was his Marriage Certificate.

**Visa Refused:** On 29/03/2011 the Department wrote declining to approve Thorsten's application for the above visa, refusing to recognise his marriage to Kellie Lyn Nolks, openly declaring that he had "never married". But they did issue him a Bridging Visa E.

**Appeal to MRT:** On 7/06/2011 Thorsten lodged an appeal with the Migration Review Tribunal (MRT) to review the Department's decision not to issue the Partner Combined Visa as detailed above.

**MRT's Decision:** On 20/08/2013 the MRT deemed that Thorsten was married (after his having to provide them with another Marriage Certificate. The Department had lost the original.) but still upheld the Department's decision on the ground that he and Kellie had become estranged.

Note: They were not estranged at the time of making application to the Department nor at the time of subsequently appealing to the MRT. They had separated in March 2013, some 19 months after the original visa application had been submitted.

Had this application been processed even half efficiently, and had the MRT not taken just over 2 years to assess the appeal (i.e. covering up the bungling of his application), Thorsten would have been granted his visa.

**Current Status:** Because of the unacceptably protracted and incompetent handling of the subject application and appeal, Mr Thorsten Nolks currently languishes in the Yongah Hill Immigration Detention Centre, WA, awaiting imminent deportation to a country which is foreign to him, given his years in Australia since childhood. His stress and anxiety levels have driven him to breaking point as he pines grievously for his former life, and his fiancée now left alone in Darwin, defenceless.

And about his fiancée - his de facto Australian-citizen partner - Stacey Lowe? In January this year she was raped and left for dead with multiple throat lacerations. Her attacker is on remand in Queensland. Thorsten is needed as a witness. But even that has failed to change the attitudes of unthinking, uncaring government officers; the same attitudes that unlawfully denied Thorsten a Permanent Resident Visa and consequently thrust him into this appalling situation.

**Thorsten and Stacey have been torn apart by your Department, and in total violation of our international human rights obligations.**

Stacey's shocking trauma has now been exacerbated by the loss of her partner as she now lives in constant fear alone in Darwin. It only began with PTSD. It is now at a critical, self-harming stage. And there are too few of us to help her overcome this constant nightmare created in no small measure by your Department.

However, Stacey is not the responsibility of your Department, so you are well within your rights to continue treating her as you have seen fit. But you are well outside your rights and responsibilities in allowing the ongoing abuse of an intrinsic Australian who is now in your charge and being violated as a result.

**Solution:** Please immediately reinstate Thorsten Nolks' rights by returning him to his fiancée and home in Darwin. Then instruct one of your Department's officers in the NT to expedite his

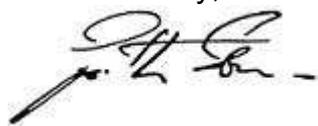
Permanent Resident Visa, allowing him once again to continue being a productive member of Australian society, as he has been for over two and a half decades.

**Distribution of this email:** Naturally, this email will be provided immediately to the Prime Minister, Mr Tony Abbott, the Minister for Immigration and Border Protection, Mr Peter Dutton, and the Opposition Shadow Minister for Immigration and Border Protection, Mr Richard Marles.

It will also be sent to Ms Katya Peart, State Director NT, Ms Carly Selby-Jones, Mr Nolks' Case Manager, his solicitor, Mr Dominic Gomez of Ward Keller, Solicitors, NT, and the Queensland Criminal Investigation Branch who have been heavily, but unsuccessfully, involved in ensuring that Thorsten Nolks remains in Australia.

I will hold off on introducing this email and supporting information to the media for a further 48 hours.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'G. Eaton', with a horizontal line extending to the right.

Garth Eaton

Director

[www.TheAJT.org.au](http://www.TheAJT.org.au)

0407 175 710