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## Deportation looms for gifted law student



Megumi Ogawa ... studying in Australia "dangerous".

Photo: *Ben Rushton*

Harriet Alexander and Ben Cubby

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A LAW student whose work was hailed as "invaluable" by a High Court judge will emerge from Villawood detention centre today to make her last attempt to remain in Australia, or she will be deported tomorrow.

Megumi Ogawa was detained in May after a long-running battle with the Department of Immigration and the University of Melbourne, which discontinued her enrolment in the late stages of her PhD because she was 21 days late in applying for an extension to her candidature.

On Friday, a federal magistrate, Stephen Scarlett, upheld a decision by the Migration Review Tribunal that she was not entitled to a bridging visa while awaiting her case against Melbourne University - to be heard in the High Court in December.

Ms Ogawa's last hope of remaining in Australia to complete her studies is an injunction today but, after months confined in Villawood and years of failed appeals, she is not holding out much hope.

Ms Ogawa said outside the Federal Magistrate's Court on Friday: "[The] judge even says this decision is unjust. Every court considers it unjust, but every court will not do anything, so this is a strong message to international students, how dangerous it is to study in Australia."

Ms Ogawa came to Australia in 1999 to complete her PhD in copyright and broadcast law.

In March, her thesis was published as a book, *Protection of Broadcasters' Rights*, with a foreword commending it as an "invaluable contribution" to the subject by a former chief justice, Sir Anthony Mason.

Mr Scarlett criticised the Migration Review Tribunal and immigration department for the way they handled the case.

The tribunal took such a long time to decide not to cancel Ms Ogawa's student visa that by the time it did, the visa had run out. Then a ministerial delegate declared Ms Ogawa's application for ministerial intervention "withdrawn", when she had only intended to defer it, which was "both peremptory and high-handed", Mr Scarlett said on Friday.

The tribunal was "unfortunately correct" in disallowing Ms Ogawa a bridging visa because those mishaps did not fall within its jurisdiction, he said.

A spokesman for the Department of Immigration said Ms Ogawa had pursued and exhausted the legal avenues that were available to her.

"Her litigation against Melbourne University has no bearing on her current immigration status," the spokesman said.

"Ms Ogawa is not the holder of a valid visa and is therefore unlawfully in Australia. As a result, she continues to be detained in accordance with the Migration Act."

Melbourne University said in a statement that Ms Ogawa's candidature was not terminated but expired naturally after she rejected supervision arrangements.

The university's handling of the matter had been reviewed by the Victorian Ombudsman and judicial system, the statement said. "To date, the findings have vindicated the university," it said.

Associate Professor Clive Turner, who tutored Ms Ogawa in law at the University of Queensland, where she first studied, said her case was never independently reviewed. This was because the office responsible for investigating administrative decisions was abolished before it started inquiries into her matter.

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