

RRT Bulletin

Issue No. 3/2006

6 March 2006

Editor:
Laraine Roberts

Contributors:

Nicole Antonopoulos
Kate Buring
Victoria Coleman
Samira Kamandi
Kerry Ko
Cameron McDonald
Preeti Prasad
Kathy Prineas
Laraine Roberts
Loga Roshan
Pallavi Sinha
Stephen Webb

Please note that any enquiries regarding this Bulletin may be directed to the Editor on (02) 9276 5427 or at legala@rrt.gov.au

The Refugee Review Tribunal decisions digest

This bulletin covers recently published Tribunal decisions. The decisions summarised represent a cross-section of published decisions of the Tribunal. Selected summaries of High Court, Federal Court and Federal Magistrates Court judgments, of interest to the Tribunal, are also included.

The Refugee Review Tribunal shall not be liable for any reliance by any person on the summaries contained in this Bulletin. Each summary provides a guide only to each decision and should not, under any circumstance, be used as a substitute for the full text of a decision.

Contents

Refugee Review Tribunal Decisions	2
Afghanistan	2
Bangladesh	3
China	3
Egypt	5
Fiji	5
India	6
Iraq	6
Israel	8
Mongolia	8
Nepal	9
Pakistan	9
Romania	10
Sri Lanka	10
Federal Magistrates Court	12
<i>SZFIV & Anor v MIMIA & Anor</i>	12
<i>SXJB & Ors v MIMIA & Anor</i>	13
<i>SZBXR v MIMIA & Anor</i>	13
<i>SZBYJ v MIMIA & Anor</i>	14
<i>SZEPEY v MIMIA & Anor</i>	15
<i>SZCDH v MIMIA & Anor</i>	16
Legislation Update	18
Caseload Overview	19
Accessing Tribunal Decisions	21
Index	22

Afghanistan

V05/17993

10 October 2005, Melbourne

Ms W Boddison, Member

AFGHANISTAN - RACE - HAZARA - RELIGION - SHIA MUSLIM - FURTHER PROTECTION VISA - The Hazara Shia applicant from Ghazni had previously been recognised as a refugee in Australia on the basis that he had a well-founded fear of persecution from Pashtuns and the Taliban. The applicant claimed that the former governor of Ghazni was Qasi Baba who hated Hazaras. He claimed that Qasi Baba had put restrictions on the Hazara areas and condoned theft by Pashtuns from Hazara land. The applicant further claimed that he would still be persecuted because the Pashtuns hated Hazaras. He claimed that he would need to pass through Pashtun areas to get to his village and would be persecuted because there was no protection available.

Held: Decision under review set aside.

The Tribunal noted that the situation in Afghanistan was complex, fluid and volatile so far as the general security situation and the present role of the Taliban was concerned. Referring to independent information, it found that there were disputes between Pashtuns and Hazaras in the applicant's area and the authorities were unable to provide any protection. The Tribunal found that even though Qasi Baba was no longer in charge of the applicant's area, the concerns of the applicant were not limited to his actions and inaction. Further, the Tribunal found that given the current governor's alleged involvement in the massacre of Hazaras the applicant would have no confidence in him to provide any sort of protection. Accordingly, the Tribunal was satisfied that the applicant continued to have a well-founded fear of persecution.

V05/17544

18 November 2005, Melbourne

Mr P Harris, Member

AFGHANISTAN - RACE - HAZARA - RELIGION - SHIA MUSLIM - POLITICAL OPINION - WAHDAT PARTY - FURTHER PROTECTION VISA - The Hazara Shi'a applicant from Ghazni province had previously been recognised as a refugee in Australia on the basis of a well-founded fear of persecution from the Taliban. The applicant claimed that the Taliban were still active and he would still be persecuted. He also claimed that his family's support of the Akbari faction of the Wahdat party was known to everyone in his area. The applicant claimed that the Khalili faction of the Wahdat party assaulted his wife and killed his relatives. He further claimed that having lived in a Western Country he would be persecuted by extremists and the interim government could not afford him protection.

Held: Decision under review set aside.

The Tribunal found that although the Taliban was no longer a de facto government or authority in Afghanistan, it remained actively present in many parts of the country and was a serious threat to security. Referring to independent information, the Tribunal found that the Taliban was active in Ghazni and its surrounding areas. Further, it found that there was no stable government or authority to provide viable protection from the ethnically motivated persecution. The Tribunal was satisfied that the applicant's long period of acculturation in a Western country and his relaxed attitude to religious observance would render him more likely to be exposed to harm. Accordingly, the Tribunal found that the applicant continued to have a well-founded fear of persecution.

Bangladesh

N05/52326

29 November 2005, Sydney

Dr R Witton, Member

BANGLADESH - PARTICULAR SOCIAL GROUP - HOMOSEXUALS - The applicant feared persecution arising from his membership of the particular social group of homosexuals. He claimed that there was a complete denial of adult male homosexual identity in Bangladesh. The applicant claimed that there were religious pressures stemming from the overtly Islamic structure of Bangladesh society which proscribed overt expression of any consensual homosexual behaviour. He claimed that homosexuals were the victims of oppressive behaviour and serious harassment at the hands of police and civilian authorities which amounted to persecution. The applicant also claimed that he feared pressure to marry if he returned.

Held: Decision under review set aside.

The Tribunal found that the applicant was a homosexual and that he had lived in constant fear of harassment as a homosexual in Bangladesh. It accepted that being gay or homosexual in Bangladesh made the applicant a member of a particular social group under the Convention. The Tribunal noted that the Bangladesh criminal code contained provisions that recognised and criminalised homosexual conduct. It found that homosexuals in Bangladesh were forced to live in a situation of extreme vulnerability under the threat of sexual violence and extortion. The Tribunal found that the applicant would face a real chance of serious harm because of his sexuality and that his fear of persecution was well-founded.

China

N05/52243

4 November 2005, Sydney

Mr R Wilson, Member

CHINA - RELIGION - ROMAN CATHOLIC - UNDERGROUND CHURCH - The applicant feared persecution arising from his beliefs and practices as a Roman Catholic. He claimed to have established a secret group of the Roman Catholic underground church in Fujian Province. The applicant claimed this group was subsequently discovered and he was arrested, detained and tortured by the Public Security Bureau (PSB). He claimed that after he was released he moved to another province where he participated in the activities of a Roman Catholic underground church. The applicant claimed that after he and other members were interrogated many times by the PSB, they decided to close the church down. He claimed that he regularly attended church in Australia.

Held: Decision under review set aside.

The Tribunal accepted that the applicant was a practising Roman Catholic and accepted his claims relating to his detention in China. It also accepted evidence of a witness supporting the applicant's participation in activities of the Roman Catholic church in Australia. The Tribunal accepted that the applicant was a practising Roman Catholic. It found that if he returned to China he would be actively involved with the underground Church and would thereby attract the adverse attention of the Chinese authorities. Accordingly, the Tribunal found that the applicant had a well-founded fear of persecution.

V05/18149

28 November 2005, Melbourne

Mr P Katsambanis, Member

CHINA - FALUN GONG - The applicant feared persecution as a Falun Gong practitioner. He claimed he became a practitioner of Falun Gong in the mid 1990s and that it was impossible to give up his Falun Gong beliefs. The applicant claimed that he suffered from a loss of employment and had been detained and subjected to "wash-brain" classes. He claimed that he had been forced to move regularly to avoid detection and arrest.

The applicant claimed that he was on a black list and feared persecution from the Chinese Government, the Communist party and other relevant authorities.

Held: Decision under review affirmed.

The Tribunal did not accept that the applicant was a practitioner of Falun Gong. It found that he had never suffered the harm he claimed to have experienced as a result of his alleged practice of Falun Gong. On this basis, the Tribunal found that there was no real chance that the applicant would suffer serious harm amounting to persecution for a Convention related reason if he returned to China now or in the reasonably foreseeable future.

N05/52143

8 December 2005, Sydney

Ms R Mathlin, Member

CHINA - RELIGION - TIAN DO - DENIAL OF RIGHT TO PRACTISE RELIGION - ARBITRARY DETENTION - The applicant feared persecution because of her religion. She claimed that she was an activist of Tian Do, and that she had personally “conducted” at least twenty people to become Taoists, and had sent Tian Do materials to China. The applicant claimed that all recipients of the Tian Do material had been questioned by police and that an acquaintance visiting China was questioned by officials about her relationship with the applicant. She claimed that this acquaintance was told that the applicant had used illegal religious ideologies to poison Chinese overseas students and had sent illegal material back to China. The applicant claimed she then realised that she would be in serious trouble if she returned. She claimed that she could not practise Tian Do if she returned to China. The applicant claimed that Tian Do was illegal and she could not practise it secretly because the authorities were already paying attention to her.

Held: Decision under review set aside.

The Tribunal was satisfied that the applicant had a well-founded fear of persecution for reason of her religion. It accepted the applicant’s claim to be a member of Tian Do, and her account of having sent Tian Do materials to China, the reasons why she did this, and the consequences. The Tribunal found that if she returned, she would not be able to follow her religion, including proselytising and conducting ceremonies and rituals in the temple. The Tribunal found that the denial of the right to practise religion in this manner amounted to persecution. Moreover, it found that if the applicant were to attempt to practise her religion she may be subjected to punishment amounting to persecution, which could include arbitrary detention for a prolonged period and physical mistreatment. The Tribunal found there was a strong likelihood that she would come to the attention of the authorities and was satisfied that her fear of persecution was well-founded.

N05/52343

N05/52344

21 December 2005, Sydney

Mr R Wilson, Member

CHINA - POLITICAL OPINION - FALUN GONG - The applicants, who were in a de facto relationship, claimed they were committed practitioners of Falun Gong and had been distributing materials and attending demonstrations and protests in Australia. They claimed Chinese spies observed Falun Gong practitioners in Australia and reported back to the security agencies in China. They also claimed to have been warned that if they practised Falun Gong in Australia they would be “black listed”. The applicants claimed that if they returned to China they would continue to practice Falun Gong.

Held: Decision under review set aside.

The Tribunal found the applicants were genuine Falun Gong practitioners having practised over several years, participated in demonstrations and distributed materials. It found they were not motivated to commence practise in Australia or to demonstrate in order to create a *sur place* claim. The Tribunal accepted that if they returned to China they would practise Falun Gong publicly. It accepted that as a consequence the applicants would be placed in gaol or detention and was satisfied they faced a real chance of persecution. The Tribunal was further satisfied that the applicants’ political opinion in practising Falun Gong and protesting against the

Chinese government was the reason for their fear and the persecution was systematic and discriminatory in that it involved selective harassment for a Convention reason. The Tribunal was satisfied relocation was not reasonable and found that the applicants had a well-founded fear of persecution.

Egypt

N05/52025

13 December 2005, Sydney

Ms K Hartman, Member

EGYPT - RELIGION - COPTIC CHRISTIAN - PARTICULAR SOCIAL GROUP - CHRISTIAN WOMEN MARRIED TO MUSLIM MEN - The applicant feared persecution as a Coptic Christian. She claimed that her husband converted to Islam and pressured her to also convert. The applicant claimed he remarried a Muslim woman and continued to live with the new wife in the family home. She claimed he continued to abuse her physically and emotionally over a long period. According to Egyptian law the applicant did not have the right to ask for a divorce. The applicant claimed that on many occasions she left her husband and lived with relatives or in accommodation provided by the church. She claimed he always found her and brought her back to the family home and that the police could not protect her from the abuse she suffered. The applicant claimed that the police were all Muslims and once when she approached them they verbally abused and threatened her and touched her inappropriately.

Held: Decision under review set aside.

The Tribunal found that the applicant was a credible witness. It was satisfied that the applicant's claims were consistent with the independent evidence which confirmed that the law in Egypt did not prohibit spousal abuse. The Tribunal accepted that the authorities were loath to interfere in domestic disputes. It found that the harm the applicant had suffered from her husband was serious enough to be regarded as persecution. The Tribunal found that the applicant's Christian religion was the reason for the harm she suffered. It found that if the applicant returned to Egypt, her husband would continue to harm her and that she would be unable to obtain protection. Accordingly, it was satisfied that the applicant's fear of persecution was well-founded for reasons of her religion.

Fiji

N05/51624

29 September 2005, Sydney

Ms A Younes, Member

FIJI - RACE - INDIAN - PARTICULAR SOCIAL GROUP - RETURNEES TO FIJI - POLITICAL OPINION - FIJI LABOUR PARTY - The applicants, who were husband and wife, feared persecution arising from their Indian ethnicity as well as from the husband's political affiliations with the Fijian Labour Party (FLP). They claimed that following the coup in 1987 they experienced discrimination, harassment, assaults and other attacks from native Fijians. The applicants claimed to fear harm in the event of a further political coup in Fiji. The applicant wife claimed to have suffered physical and verbal abuse from her husband's family and feared that this would continue if they returned to Fiji. The applicants also claimed that as returnees to Fiji they would experience difficulty in obtaining employment and housing.

Held: Decision under review affirmed.

The Tribunal accepted that the applicant husband was an official of the FLP and that he and his wife experienced harm following the coup in 1987. However, it found that the past harm suffered by the applicants was related to the circumstances which existed in 1987. Their claim to fear a further coup was not a well-founded fear because it was based on a mere assumption. The Tribunal accepted that the applicant wife had been threatened by her husband's family but found that effective state protection was available in accord with international standards. It found that the applicants may face difficulties returning but was not satisfied that in Fiji there was a particular social group of returnees to Fiji or that those difficulties were attributable to a Convention reason. The Tribunal was not satisfied that the applicants' fear of persecution was well-founded.

India

N05/52202

7 December 2005, Sydney

Mr J Blount, Deputy Principal Member

INDIA - POLITICAL OPINION - AKALI DAL BADAL PARTY - CONGRESS PARTY - RELOCATION - The Sikh applicant from Punjab feared persecution arising from his and his family's political opinion. He claimed that police bothered his family because of his grandfather's association with Babar Khalsa, a declared terrorist group. The applicant also claimed that during the time of the Akali Dal Badal government, he joined the Youth Akali Dal and took part in meetings. He claimed that after the Congress party came into power the police started bothering his family. The applicant claimed he was detained, tortured and accused of being a terrorist. He claimed that after he started working at his family business people were targeting him and once they hit his motor scooter. After this the police threatened and harassed him and detained him for several days. The applicant believed that the enemies of his father and grandfather were following him and bribing the local police to harass him. He claimed that if he returned to Punjab they would bribe the police to kill him.

Held: Decision under review affirmed.

The Tribunal accepted that local police had harassed the applicant and on one occasion detained and mistreated him. However, it was not satisfied that the difficulties experienced by the applicant were motivated by involvement of himself or his family in political activities. The Tribunal was satisfied that the harassment did not arise for a Convention reason. In any event, it found that it was reasonable to expect the applicant to avoid any local difficulty in Punjab by relocating within India. The Tribunal noted that he was proficient in many languages and had previously lived and worked in different parts of India. Accordingly, the Tribunal was satisfied that the applicant did not face a real chance of persecution for a Convention reason on return to India.

Iraq

V05/17773

17 November 2005, Melbourne

Mr P Harris, Member

IRAQ - RACE - FAILI KURD - RELIGION - SHIA MUSLIM - RETURNEE FROM THE WEST - FURTHER PROTECTION VISA - The Faili Kurd applicant, a practising Shia Muslim, was previously recognised as a refugee on the basis of a well-founded fear of persecution due to his race and religion. He feared persecution in Iraq as the Ba'athist regime had deported his family to Iran because they were Faili Kurds. The applicant claimed that he now feared persecution from Ba'athist supporters and Sunni Muslims due to the historical discrimination against Faili Kurds and because he was a Shia Muslim. The applicant claimed that members of his family who had returned to Iraq had been killed and he feared persecution as he had no familial or other connections in Iraq. He claimed that as a returnee from a long stay in a western Coalition country, he would be identified as a pro-Western sympathiser and be subject to discrimination and violence from former Ba'athists as well as other groups.

Held: Decision under review set aside.

The Tribunal accepted that despite legislative reform there remained a significant degree of animosity towards Faili Kurds in Iraq. It found that this applied in particular to returning Faili Kurds and that there were on-going violent disputes between Sunni and Shia factions. The Tribunal found that the applicant also faced serious harm as he was a returnee from a Coalition country who had no familial or other connections in Iraq. It found, based on the evidence, that the applicant did not have a legally enforceable right to reside in any other country. Accordingly, the Tribunal was satisfied that the applicant faced a real chance of persecution for reasons of race and religion.

V05/17681

25 November, 2005, Melbourne

Mr P Harris, Member

IRAQ - RELIGION - SHIA MUSLIM - POLITICAL OPINION - ANTI-BA'ATHIST - RETURNEE FROM THE WEST - FURTHER PROTECTION VISA

The Shia Muslim applicant was previously recognised as a refugee on the basis of a well-founded fear of persecution due to his political opposition to the Ba'athist regime. He claimed that his father and brother were killed for expressing anti-regime sentiments. The applicant claimed that whilst undergoing compulsory military service, he was imprisoned for failing to inform the military that his father had been executed by the regime. The applicant feared that if he returned to Iraq, he would be persecuted by the Ba'ath Party and supporters of the former regime. In addition, the applicant feared persecution as a returnee from Australia, part of the US led Coalition, because of a perception that such returnees were aligned with, and may be informers or spies for, the Coalition.

Held: Decision under review set aside.

The Tribunal noted that former Ba'athists or their supporters held positions of power in the present government and administrative structures and they continued to access power and exert influence, particularly at the local level. The Tribunal accepted that the applicant continued to hold political opinions which were antipathetic to the former Ba'athist regime. Referring to independent information, the Tribunal noted the existence of risk to returnees from the West and found that the applicant was at higher risk than other returnees. It found that the applicant as a returnee from Australia was likely to be perceived as aligned with the West or the Coalition, or to have acquired ideas considered inconsistent with Islamic or Iraqi nationalist ideals or both. Accordingly, the Tribunal was satisfied there was a real chance that the applicant would suffer persecution.

N05/52395

13 December, 2005, Sydney

Ms A O'Toole, Member

IRAQ - RACE - SHIA MUSLIM - POLITICAL OPINION - IRANIAN COLLABORATOR - OPPONENT OF BA'ATHISTS - FURTHER PROTECTION VISA

The Shia Muslim applicant was previously recognised as a refugee on the basis of his actual or imputed political opinion, including his father's perceived membership of the Al Dawa party. He claimed that he and his family left Iraq when he was young, settling in Iran. The applicant now claimed that if he and his family were returned to Iraq, Ba'athists and Sunni fanatics would perceive them as infidels. The applicant claimed that they would be subjected to threats because loyalists of the former regime think that any Iraqi who lived in Iran during the Iran/Iraq war was a traitor and an Iranian collaborator. He claimed that his family property had been confiscated. The applicant claimed that terrorists and radical groups were recruiting males and he would be forced to join and that these groups would perceive him to be a wealthy collaborator of the coalition forces. He also claimed to fear returning to Iraq because of the general lack of security and lawlessness. The applicant claimed that a relative's house was destroyed in the fighting and another relative had a child kidnapped recently.

Held: Decision under review set aside.

Having regard to independent information, the Tribunal was not satisfied that any change in the circumstances in Iraq since the applicant was granted refugee protection was fundamental and durable. In relation to the applicant's further claims, the Tribunal was satisfied there was more than a remote chance that he would face serious harm from insurgents or ex-Ba'athists, given that he was previously imputed to be an opponent of the Ba'athist regime and his family members in Iraq had suffered serious harm in the not too distant past. The Tribunal found that the harm to which the applicant could be subjected included the possibility of being killed and that it was serious enough to amount to persecution. The Tribunal was satisfied that the reason he would face persecution was for reason of his actual or imputed political opinion. Accordingly, it was satisfied that the applicant had a well-founded fear of persecution for a Convention reason.

Israel

N05/52418

20 December 2005, Sydney

Ms P Leehy, Member

ISRAEL - POLITICAL OPINION - CONSCIENTIOUS OBJECTOR - OBJECTION TO ISRAELI POLICY IN OCCUPIED TERRITORIES

The applicant feared persecution arising from the requirement of annual reserve military service. He claimed that after he completed his military service, the majority of which was in the Occupied Territories, he became depressed and his conscience was disturbed by the actions he was required to carry out. The applicant requested to be put into a non-combat unit for his reserve duty but was told he had a choice between being a “refusenik” and going to gaol, or doing his reserve duty in the Occupied Territories. When called up for reserve service the applicant left Israel to avoid it because he knew he would not be able to go back to the Occupied Territories and that if he refused, not only would he go to gaol, but he would be judged by society and considered a traitor. The applicant claimed that since leaving Israel, his views became stronger and he knew he would refuse to carry arms, especially against women and children and his only option would be to go to gaol. The applicant claimed he objected to the political situation in Israel and to the government’s policy and actions and would be obliged to refuse to serve in the Occupied Territories.

Held: Decision under review set aside.

The Tribunal found that the applicant completed his compulsory military service, mostly in the Occupied Territories, during a period of increased violence. It accepted that he was extremely frightened, that his conscience was disturbed and he felt he had no alternative but to continue his military service but found that he had not been persecuted for a Convention reason. The Tribunal found there was a real chance that the applicant would be required to do military service in the Occupied Territories if he returned. It found there was a real chance, despite his previous service, that he would refuse service in the future and be liable to legal punishment and treated as a traitor and second-class citizen because of this. The Tribunal found that the Israeli military service laws were discriminatory and administered in a systematically discriminatory fashion. It was satisfied there was a real chance that the applicant would be treated more harshly than conscientious objectors generally if he were detained pursuant to a law relevant to military service requirements. The Tribunal was satisfied he would be obliged to express his political view opposing Israeli policy by refusing to serve in the Occupied Territories. The reason for the applicant’s mistreatment would be his political opinion and the Tribunal was satisfied he had a well-founded fear of persecution.

Mongolia

N05/52613

3 January 2006, Sydney

Mr G Short, Senior Member

MONGOLIA - RACE - CHILD OF MIXED RACE - PARTICULAR SOCIAL GROUP - FAMILY - POLITICAL OPINION - DEMOCRATIC PARTY

The infant applicant feared that because he belonged to his mother’s family he would be persecuted by those who believed she was an enemy of the state. The applicant’s mother claimed she was a former member of the Democratic Party and feared persecution from its opponents as well as from members in high positions who were ready to harm any who tried to stop them. His mother claimed the applicant would be persecuted by the police and possibly the security services and that if she were imprisoned or killed there would be no one to care for him. The applicant’s mother claimed members of her family had been killed, that another relative was under surveillance and that the authorities were asking about her. She also claimed the applicant would be considered non-Asian and suffer persecution as he was a child of mixed race.

Held: Decision under review affirmed.

Referring to independent information, the Tribunal did not accept there was a real chance that the applicant’s mother would be persecuted for her political opinion if she returned to Mongolia now or in the reasonably

foreseeable future. It did not accept that her relatives were under surveillance or that there was a real chance she would be imprisoned or killed. On this basis, the Tribunal did not accept there was a real chance that the applicant would be persecuted for his membership of a particular social group constituted by his family, nor for an imputed political opinion. Although the Tribunal noted evidence of prejudice against children of mixed marriages, it did not accept that the applicant would suffer serious harm because of his non-Asian appearance and mixed race. Accordingly, the Tribunal was not satisfied that the applicant had a well-founded fear of persecution for a Convention reason.

Nepal

N05/51896

16 December 2005, Sydney

Prof S Blay, Member

NEPAL - RELIGION - CHRISTIAN - THREATS - DOMESTIC VIOLENCE - The applicant feared persecution arising from her Christian religion. She claimed she started following Christianity against the wishes of her parents who were Hindus. The applicant claimed that she was forced by her parents to marry a Hindu. She claimed as she was a Christian and her children had followed her Christian beliefs, she suffered domestic violence from her husband. The applicant feared that if she was forced to return, he would kill her as he had threatened. She also feared she could be abused by her family and accused of turning her children against her husband and the Hindu religion. The applicant claimed that neither the Nepalese community nor the authorities would protect her as they were against her Christianity and domestic violence was considered to be a private matter.

Held: Decision under review set aside.

The Tribunal found that the applicant was a credible witness and was satisfied that she had been subject to spousal abuse because of her religious beliefs. It was also satisfied that the applicant risked domestic abuse at the hands of her family in Nepal. The Tribunal found that having allowed her children to follow her Christian beliefs, it was plausible that she could be perceived as having encouraged their departure from Hinduism in the eyes of the authorities. The Tribunal found that the applicant's fear that she could expect no protection from the authorities was well-founded. Accordingly, the Tribunal was satisfied that the applicant's fear of persecution was well-founded.

Pakistan

N05/52371

21 December 2005, Sydney

Ms S Durvasula, Member

PAKISTAN - RELIGION - SHIA MUSLIM - ALLEGED RAPE - The applicant feared persecution from his own family, from his girlfriend's family and from the police. He claimed that his family wanted to harm him because he refused to marry his cousin. The applicant also claimed that his girlfriend's family, who were Sunni Muslims, wanted to harm him because of his religion as a Shi'a Muslim and because he had caused their daughter's pregnancy. His girlfriend's family also had a higher position in the village and owned more land than his family. The applicant claimed that in Pakistan sexual intercourse outside of marriage was prohibited. He claimed that the police would harm him because he had caused his girlfriend's pregnancy and there were two police cases established against him.

Held: Decision under review affirmed.

The Tribunal accepted that the applicant feared harm from members of his family and his girlfriend's family. However, it found that any potential harm from them was directed towards him personally, rather than for a Convention reason. The Tribunal found that though religion may have been a factor in the threats by his girlfriend's family to harm him, it was not the essential and significant reason for their threats. The Tribunal found that the possibility the applicant may be arrested for alleged rape did not amount to persecution. It found that if he was arrested, it would be because the police were enforcing a law of general application and he

would not be specifically targeted because of his religion. Accordingly, the Tribunal was not satisfied that the applicant had a well-founded fear of persecution.



Romania

N05/52725

5 January 2005, Sydney

Mr L Hardy, Member

ROMANIA - RACE - ROMA - POLICE MISTREATMENT - RELOCATION - The applicant feared persecution from the Romanian police as an ethnic Roma. He claimed that the police mistreatment stemmed from him having been wrongly or conveniently arrested and detained in connection with a sexual assault case for which he was never charged. The applicant claimed that the mistreatment continued over the years with him having been repeatedly apprehended, arrested alone or with other Roma, and treated as one of the “usual suspects”. The applicant claimed that he suffered torture and serious physical abuse at the hands of police whilst under arrest or in custody. He claimed that as a result of the ill-treatment he was psychologically affected.

Held: Decision under review set aside.

The Tribunal accepted that the applicant’s claims were substantial and credible. It accepted that he was a Roma and that he had been persecuted because of his race. Based on independent information the Tribunal found that arbitrary arrests of Roma occurred throughout the country. Further it found that relocation was not a reasonable option for the applicant because of his physical and psychological difficulties. Accordingly, the Tribunal was satisfied that the applicant’s fear of persecution was well-founded.



Sri Lanka

V05/18091

2 November 2005, Melbourne

Ms G Hamilton, Member

SRI LANKA - RACE - BURGHER/TAMIL - POLITICAL OPINION - SRI LANKA FREEDOM PARTY - The applicant feared persecution by members of the United National Party (UNP) for his support for the Sri Lanka Freedom Party (SLFP) Youth Movement, which was part of the People’s Alliance (PA). He claimed that he was particularly targeted because of his part Burgher and Tamil ethnicity. The applicant claimed to have suffered from repeated assaults and threatening telephone calls. He also claimed that unknown assailants regularly stoned his house.

Held: Decision under review affirmed.

The Tribunal noted significant gaps and different accounts of claims told by the applicant. The Tribunal did not accept that the applicant was a member of, or campaigner for, the SLFP. It did not accept that if he was assaulted at all it was for political reasons. The Tribunal rejected his claims of threatening telephone calls and the stoning of his house. It noted independent information regarding the treatment of Burghers and Tamils and was not satisfied that the applicant feared persecution due to his part Burgher and Tamil ethnicity. Accordingly, the Tribunal was not satisfied that the applicant had a well-founded fear of persecution.

N05/52271

13 December 2005, Sydney

Ms J Morris, Member

SRI LANKA - RACE - TAMIL - POLITICAL OPINION - LIBERATION TIGERS OF TAMIL EELAM - The applicant feared persecution as a young Tamil male from the Jaffna peninsular. He claimed he was pressured to join the Liberation Tigers of Tamil Eelam (LTTE) and forced to attend brainwashing meetings. The applicant claimed he attended a college where students were regularly recruited by the LTTE. He was detained, interrogated and beaten by the Sri Lankan Army (SLA) on suspicion of having LTTE connections. On his return to college the applicant was called a "hardcore LTTE cadre", given his treatment by the SLA, even though he denied any such connection. He claimed he was arrested and tortured again and witnessed his friend being killed. The applicant was remanded to register at an army camp every week and the LTTE threatened to shoot him on suspicion of giving information to the SLA. He was told to either join the LTTE or leave Jaffna for good. The applicant moved to Colombo and was again arrested by security forces. He claimed that he was later abducted to serve the LTTE but escaped and travelled to Australia. The applicant claimed he feared returning to face torture and harassment from both the SLA and LTTE.

Held: Decision under review set aside.

The Tribunal referred to independent evidence and found that if the applicant returned to Jaffna there was a real chance he would face extortion or forced recruitment at the hands of the LTTE and or be threatened with death should he refuse to cooperate. Conversely, if the applicant were to cooperate with the LTTE on return, he would be vulnerable to persecution from the Sri Lankan security forces or pro-Government Tamil groups on the basis of an imputed political opinion in favour of the LTTE. The Tribunal found there was a real chance the applicant would be persecuted for reasons of his race and the political opinion imputed to him, being support for the LTTE. It found the mistreatment and torture was at least tacitly accepted by the Government and was conducted with impunity. The Tribunal found that the applicant could not reasonably be expected to relocate to an area safe from this form of persecution within his country because the Sri Lankan security forces were responsible for the persecution he would be exposed to. The Tribunal found that the applicant had a well-founded fear of persecution for reasons of his race and his imputed political opinion.

FEDERAL MAGISTRATES COURT JUDGMENTS

SZFIV & Anor v MIMIA & Anor
[2005] FMCA 1811

Federal Magistrates Court of Australia, Barnes FM, SYG3784 of 2004, 9 December 2005

Immigration - Protection Visa application - whether Tribunal failed to address substantial claim - whether Tribunal failed to accord applicant procedural fairness - whether decision affected by apprehended bias.

The applicants, nationals of Egypt, sought judicial review of a decision of the Refugee Review Tribunal (the Tribunal) that they were not persons to whom Australia had protection obligations. The first applicant claimed to fear persecution on the basis of her religion and her service in the Coptic Christian church.

The applicant claimed that she had been threatened by a Muslim officer in the Egyptian police service whose abused Coptic Christian wife she had counselled and assisted; that several attempts had been made by Muslim militants to kidnap and kill her, her husband and her sons; that she had provided assistance and care to converts from Islam to Christianity and that her father had been poisoned.

The Tribunal did not accept the applicant's claims, finding that they were fabricated. The Tribunal found that the applicant's claim about the level of persecution of Coptic Christians was extreme and unsupported by independent information and that it was open to the family to relocate. Referring to independent information, the Tribunal found that effective state protection was available to Coptic Christians in Egypt and therefore there was no real chance the applicant might be harmed by the actions of Islamic militants.

The applicant contended, amongst other things, that the Tribunal failed to address and make findings in relation to her claim to fear persecution because she provided comfort, assistance, shelter and care to converts from Islam to Christianity.

Held: Tribunal decision quashed and remitted for reconsideration.

- (i) The Tribunal fell into jurisdictional error when it failed to consider the applicant's claim to fear persecution because she provided comfort, assistance, shelter and care to converts from Islam to Christianity. Although the Tribunal noted the applicant's claim in its summary of the claims and evidence presented at hearing, this did not establish that the Tribunal adequately addressed or made findings about the applicant's claim.
- (ii) This claim was distinct from her claim that she feared persecution in Egypt because she was a Coptic Christian and from her claimed fears about the Muslim police officer. The applicant's evidence raised the possibility that there was a quality of the applicant that was susceptible of distinction, such that there may be a sub-group with the category of Coptic Christians. While the applicant did not express her claim in terms of membership of a particular social group, she did distinguish between those who provided services to converts from Coptic Christians generally and she related the claimed attacks to the visibility of the services she and her family provided to converts from Islam to Christianity.
- (iii) There was no breach of procedural fairness. The applicant was not misled by the Tribunal.
- (iv) The Tribunal's comments at hearing that the applicant's claims were "hard to believe" and "fantastic", and its rejection of documentary material did not demonstrate apprehended bias.

SXJB & Ors v MIMIA & Anor

[2005] FMCA 1536

Federal Magistrates Court of Australia, Lindsay FM, ADG 41 of 2005, 16 December 2005.

Immigration - Protection Visa application - claim of theft and disclosure of national security information - Tribunal found nothing to indicate that law selectively enforced or discriminatory whatever motivated offence - finding that no real chance of persecution of person imputed with anti-regime political opinion required clear evidential basis - no such evidence referred to - constructive failure to exercise jurisdiction.

The first applicant, a citizen of China sought judicial review of a decision of the Refugee Review Tribunal (the Tribunal) that he was not a person to whom Australia had protection obligations. The applicant claimed to fear persecution in that he would be prosecuted with especial severity and punished with especial severity for the theft and disclosure of national security information on account of his anti-government political opinion. He also claimed that his child faced persecution as a member of the particular social group of "black children".

The Tribunal found that the applicant's child would not face a real chance of persecution as a black child. It found that if the applicant were to be punished for taking military information and trying to pass it on to another government, the punishment would be for breaking a law of general application. The Tribunal stated that there was nothing before it which indicated that that law was selectively enforced or discriminatory. It was of the view that all citizens would be punished with equal severity under that law whatever their motivation or imputed motivation was. Although the Tribunal accepted that the applicant may be imputed with an anti-government political opinion for taking the documents, it did not accept that this would affect whether he was punished or the severity of his punishment.

The applicant alleged that there was no evidence available to support any of the findings in relation to the punishment for the taking of the military information and that this constituted jurisdictional error.

Held: Tribunal decision quashed and remitted for reconsideration in respect of the first applicant; application in respect of the second applicant, dismissed.

- (i) The Tribunal constructively failed to exercise the jurisdiction granted to it under the *Migration Act 1958* (the Act).
- (ii) China is a Communist Party-controlled society. A finding that the theft of military documents and their subsequent disclosure to another State by a person to whom may be imputed anti-regime political opinions would not carry the real chance of persecution on account of those political opinions might be thought to require a clear basis in the evidence available to the Tribunal. None was here present.
- (iii) The Tribunal placed some store upon certain "invalidated assumptions" as to the way in which the particular law would be administered to come to a conclusion that it would not be administered in a way which would give rise to the application of the Refugees Convention in the applicant's case.
- (iv) For the applicant's child, the Tribunal did not fall into the same error as that manifest in *VTAO v MIMIA* [2004] FCA 927, which was a case involving a black child where the Tribunal only considered the specific examples enumerated in s.91R(2) of the Act without addressing the fundamental question which was whether the persecution constituted serious harm in terms of s.91R(1).

SZBXR v MIMIA & Anor

[2005] FMCA 1946

Federal Magistrates Court of Australia, Scarlett FM, SYG 2487 of 2003, 21 December 2005

Immigration - where applicant from Bangladesh claimed fear of persecution for reasons of political opinion - applicant gave notice to Tribunal to obtain oral evidence from witness - witness present but Tribunal declined to hear her - whether breach of procedural fairness.

The applicant, a citizen of Bangladesh, sought judicial review of a decision of the Refugee Review Tribunal (the Tribunal) that he was not a person to whom Australia had protection obligations.

The applicant claimed to fear persecution from political opponents for his support of the Awami League (AL). The applicant indicated in his response to the Tribunal's hearing invitation that he wanted the Tribunal to take evidence from his sister regarding his and his family's political background. The sister was available to give evidence at the Tribunal hearing. After obtaining information from the applicant about what evidence the sister would give, including that she was not in Bangladesh at the time of the claimed persecution of the applicant but he spoke to her on the telephone, the Tribunal declined to call her as a witness.

The Tribunal made negative findings as to the applicant's credibility. The Tribunal rejected the claims that the applicant was a member of the AL and that the claimed attacks by political opponents occurred. The Tribunal concluded that letters written by AL officials were fakes and affirmed the delegate's decision not to grant the applicant a protection visa.

The applicant contended that the Tribunal decision was affected by breach of procedural fairness in not allowing the applicant's witness to give evidence and in making adverse findings as to the genuineness of letters from AL officials without giving the applicant an opportunity to comment on those findings.

Held: Tribunal decision quashed and remitted for reconsideration.

- (i) The Tribunal decision was affected by a lack of procedural fairness for failure to give genuine consideration to the applicant's request that his sister be called to give evidence and failure to give an opportunity to respond to a finding that corroborative documents were fake.
- (ii) Following the Full Federal Court decision in *MIMIA v Maltsin* [2005] FCAFC 118 (*Maltsin*), in giving genuine consideration to a request to call a witness the Tribunal must: take account of relevant matters such as the relevance and potential importance to the review outcome of the evidence that could be given by the nominated witness; the sufficiency of any written evidence already given by a witness; and the length of time that would afford the applicant a fair opportunity to put his or her case before the Tribunal.
- (iii) It would have been easy for the Tribunal to have heard the witness's evidence. If there was little to add her evidence would have been over quickly. On the face of the material before the Tribunal the sister appeared able to give relevant evidence.
- (iv) There is no independent power in an applicant to call a witness. Only the Tribunal has the power to call witnesses. (*Maltsin* followed).
- (v) The Tribunal made a positive finding that the documents submitted were "fake". This was more than a finding that the letters were rejected as being of no weight because they did not accord with the balance of the applicant's account. The failure to put this view to the applicant during the hearing was a breach of procedural fairness. *WAGU v MIMIA* [2003] FCA 912 followed.

SZBYJ v MIMIA & Anor

[2005] FMCA 1927

Federal Magistrates Court of Australia, Driver FM, SYG2514 of 2003, 22 December 2005

Immigration - Protection Visa application - applicant claiming political persecution in China - adverse credibility finding - Tribunal relied on inability to corroborate applicant's claims based on independent country information - breach of s.424A of Migration Act 1958 - finding that applicant lacked knowledge of democratic principles - procedural unfairness resulting from vague question and simplistic and subjective assumption as to correct answer.

The applicant, a citizen of China, sought judicial review of a decision of the Refugee Review Tribunal (the Tribunal) that she was not a person to whom Australia had protection obligations. The applicant claimed to fear persecution for reason of her political opinion.

The Tribunal found the applicant's claims were general, lacking in detail and inconsistent with a *bona fide* application or commitment to democratic principles. When the Tribunal asked the applicant, "what was the one overwhelming principle of all democratic governments throughout the world?", the applicant replied "right of life, law and order and freedom of information". When asked to identify the birthplace of democracy, the

applicant replied “the United States”. The Tribunal referred to independent country information to find that the applicant’s answers indicated that she had no knowledge of democratic principles and that her claims lacked credibility.

The Tribunal also found that there was no evidence in the independent country information to support the applicant’s claims to have been arrested and to have been involved with certain publications and organisations. In particular, the Tribunal stated that it searched the names of people arrested at the relevant time through independent sources and the applicant’s name could not be located. It also stated that it searched independent country information for the publication and organisation the applicant claimed to have been involved in and could find no record of them. In addition, the Tribunal referred to the applicant’s ability to travel on an official Chinese Ministry of Foreign Affairs passport to find that her claims lacked credibility.

The applicant contended, among other things, that the Tribunal (1) erred in finding that she travelled on an official passport, (2) breached its obligations under s.424A of the *Migration Act* 1958 (the Act) by failing to give determinative independent country information for comment in writing, and (3) failed to accord procedural fairness by its questioning and treatment of her evidence relating to democratic principles.

Held: Tribunal decision quashed and remitted for reconsideration according to law.

- (i) The Tribunal made a jurisdictional error by failing to comply with s.424A of the Act.
- (ii) The Tribunal failed to give the applicant an opportunity in writing to comment upon information about the applicant personally, that her name did not appear among records of those arrested and detained and that no record of the publication and organisation could be found. Where what is determinative is the form and content of the information (including where the information is silent) that is what must be disclosed. In this case, it was the form and content of the independent country information that was determinative.
- (iii) A question intended to be determinative as to credit must be put clearly and an applicant must be given an opportunity to explain fully their answers. The questions used to test the applicant’s knowledge of democratic principles and the birthplace of democracy were not fairly put and her answers were not fairly treated. This amounted to procedural unfairness on an issue of critical importance and provided further support for the conclusion that constitutional relief should be provided.
- (iv) The Tribunal made a factual error by treating the applicant’s passport as an official passport. However, this of itself did not amount to a legal or jurisdictional error.

SZEPY v MIMIA & Anor

[2006] FMCA 31

Federal Magistrates Court, Smith FM, SYG3181 of 2004, 27 January 2006

Immigration - Protection Visa application - applicant claimed extortion by Liberation Tigers of Tamil Eelam after son migrated to Australia - Tribunal found no Convention reason - Tribunal failed to consider whether extortion by reason of membership of particular social group - jurisdictional error.

The applicant, a national of Sri Lanka, sought judicial review of a decision of the Refugee Review Tribunal (the Tribunal) that she was not a person to whom Australia had protection obligations. The applicant claimed that her son migrated to Australia to study after the Liberation Tigers of Tamil Eelam (LTTE) demanded that he join their movement. After he left, the applicant claimed that the LTTE demanded that she pay them 300,000 rupees. She claimed that she was only able to pay them 50,000 rupees and was forced to sign a paper promising to pay the rest of the money within a month. The applicant claimed that she came to Australia to escape these problems and feared that if she returns to Sri Lanka, the LTTE would kill her because she didn’t pay the full amount that they had demanded from her.

The Tribunal found that the essential and significant reason for the LTTE’s extortion of money from the applicant was that her son was overseas and was earning good money, which is not a Convention reason.

Accordingly, the Tribunal found that the applicant was not a person to whom Australia has protection obligations under the Convention.

The applicant contended before the court, amongst other things, that the Tribunal failed to address whether or not the extortion to which the applicant was subjected was by reason of her membership of a particular group, being Tamils with adult sons working overseas.

Held: Tribunal decision quashed and remitted for reconsideration.

- (i) The Tribunal's decision was affected by jurisdictional error. It failed to fully deal with the applicant's claim to have been targeted as a Tamil with a son who had escaped from the LTTE and gone overseas. This was a characteristic that may have been shared with other local victims of extortion, who might therefore constitute a particular social group for the purposes of the Convention definition.
- (ii) Although the Tribunal rejected the claim that the harm was for the reason of membership of a social group, the brevity of its reasons showed that the Tribunal made too simplistic an analysis of the claim before it.
- (iii) It is no answer that the applicant's own narrative of her difficulties with the LTTE might have poorly assisted the Tribunal to make essential findings as to the existence and definition of a group to which the applicant belonged. If the Tribunal had appreciated the "potential" for a "particular social group" claim based on its findings, it is quite possible that its questioning of the applicant and its investigation of country information might have given the claim more substance.

SZCDH v MIMIA & Anor

[2006] FMCA 78

Federal Magistrates Court of Australia, Raphael FM, SYG2713 of 2003, 1 February 2006

Immigration - Protection Visa application - where applicant claimed fear of persecution as member of particular social group in Nepal - Tribunal found applicant did not leave Nepal due to fear of persecution - applicant claimed did not learn until arrival in Australia police looking for him - whether Tribunal failed to consider claim put forward by applicant - whether jurisdictional error.

The applicant, a national of Nepal, sought judicial review of a decision of the Refugee Review Tribunal (the Tribunal) decision that he was not a person to whom Australia had protection obligations.

The applicant claimed to fear persecution on the basis that he was a Christian in a predominantly Hindu society. He also claimed that he was a member of a social or religious group who treat cows as animals, as opposed to gods, and that he had killed a cow in violation of Nepalese law. The applicant claimed that following his arrival in Australia, he learned the Nepalese authorities were looking for him in relation to the incident and that he would be arrested and imprisoned if he returned to Nepal.

The Tribunal invited the applicant to attend a hearing before the Tribunal which he accepted. However, the Tribunal then cancelled that hearing and advised that a new hearing would be scheduled for a later date. The applicant was given 13 days' notice of the new hearing. The applicant attended the rescheduled hearing and the Tribunal proceeded to affirm the findings of the delegate on the basis that the applicant's claims lacked credibility. The Tribunal made findings that the applicant did not have a subjective fear of persecution having regard to the delay between the commission of the offence and him leaving Nepal; that the applicant did not leave Nepal due to a fear of persecution for a Convention based reason; and that the claim to be a member of a social or religious group was not raised prior to the review application and was therefore fabricated.

The applicant contended that the Tribunal committed jurisdictional error in that it failed to make correct findings on the evidence before it. That the Tribunal failed to provide the 14 day notification period stipulated in r.4.35D of the *Migration Regulations* 1994 (the Regulations), was not in dispute.

Held: Tribunal decision quashed and matter remitted for reconsideration.

- (i) The Tribunal committed a jurisdictional error in that it failed to comply with a mandatory provision of the *Migration Act 1958* (the Act), namely s.425A(3) and r.4.35D of the Regulations. The hearing was postponed for the convenience of the Tribunal and, applying the reasoning of Barnes FM in *SZFKF v Minister for Immigration* [2005] FMCA 1152, if a hearing is rescheduled at the behest of the Tribunal, s.425A of the Act applies to a fresh invitation extended to the applicant.
- (ii) The Tribunal made mistakes as to jurisdictional facts and fell into jurisdictional error in such a way that its conclusions on the applicant's credibility must be impugned.
- (iii) The Tribunal made a mistake of jurisdictional fact in finding that the applicant did not have a subjective fear of persecution when he departed Nepal. The applicant claimed through his agent and in his written submission that it was not until after he arrived in Australia that he learned the police were looking for him. The existence or otherwise of a subjective fear is a jurisdictional fact.
- (iv) The Tribunal misunderstood the terms of the Refugee Convention and the Act in its finding that the applicant did not leave Nepal due to a fear of persecution for a Convention based reason. It is not necessary under the Convention for a person to leave his or her country because of a Convention related fear of persecution.
- (v) The Tribunal committed a jurisdictional error in finding that the applicant's claim to be a member of a social or religious group was not raised prior to the review application and was therefore fabricated for the purposes of the visa application. The claim of membership of a social group was an articulation of the applicant's attitude towards eating beef and did not involve any new facts. The Tribunal is under a duty to consider all the possible ways in which an applicant makes his claim. For the Tribunal to reject a different articulation or classification of the same factual matrix is a misunderstanding of its function, resulting in a failure of the Tribunal to exercise its jurisdiction.

LEGISLATION UPDATE

Legislative developments of relevance to the work of the Refugee Review Tribunal are noted below

Regulations made

Migration Amendment Regulations 2006 (No.1) (SLI 10 of 2006)

The *Migration Amendment Regulations 2006 (No.1)* (SLI 10 of 2006) (the Regulations) were made on 15 February 2006 and commenced on 1 March 2006.

Amongst other things, the purpose of the Regulations is to broaden aspects of the national security ground for cancelling a visa under s.116 (1) (g) of the *Migration Act 1958* and r.243 (1) (a) of the Regulations but narrow the subclasses of visas to which part of it applies.

The previous provision provided that a determination could be made where the person's presence in Australia is prejudicial to Australia's relationship with another country. Under the amended provision, actual prejudice to Australia's relations with a foreign country does not have to be shown.

To ensure that Australia's international non refoulement obligations are not adversely affected, certain humanitarian and protection visas specified as relevant visas such as subclass 447,449,451, 785, 786 and 866 are excluded from the operation of the amendment.

Instead, applicants for subclass 447, 449, 451, 785, 786 and 866 visas must satisfy a new Public Interest Criterion 4003A (rather than PIC 4003) which provides that the applicant is not determined by the Foreign Minister to be a person whose presence in Australia may be directly or indirectly associated with the proliferation of weapons of mass destruction. It does not include the requirement in the amended PIC 4003 that the person's presence in Australia must not be determined to be contrary to Australia's foreign policy interests.

A copy of the regulations and the Explanatory Statement can be found at

<http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/asmade/bytitle/1F6D05EACF642678CA25710F002045F9?OpenDocument>

CASELOAD OVERVIEW

RRT Decisions – February 2006

Country	Primary decision affirmed	Primary decision set aside	No jurisdiction	Withdrawn	Other	Total
Afghanistan	0	2	0	0	0	2
Albania	0	0	0	1	0	1
Algeria	1	1	0	0	0	2
Bahrain	0	1	0	0	0	1
Bangladesh	4	0	10	0	0	14
Brazil	1	0	0	0	0	1
Burma (Myanmar)	0	2	0	0	0	2
Burundi	0	1	0	0	0	1
China (PRC)	65	10	2	0	0	77
Colombia	0	1	0	0	0	1
Congo Democratic Republic of	1	0	0	0	0	1
Egypt	5	5	1	0	0	11
Fiji	1	0	0	0	0	1
Germany	1	0	0	0	0	1
Ghana	2	0	0	0	0	2
Guatemala	1	0	0	0	0	1
Guinea	1	0	0	0	0	1
Hungary	1	0	0	0	0	1
India	8	0	3	1	0	12
Indonesia	12	2	0	1	0	15
Iran	0	1	0	0	0	1
Iraq	0	5	0	0	0	5
Israel	0	0	0	1	0	1
Jordan	0	1	0	0	0	1
Lebanon	2	0	0	0	0	2
Malaysia	12	0	0	0	0	12
Mongolia	1	1	1	0	0	3
Nepal	10	4	0	0	0	14
Nigeria	2	1	0	0	0	3
Pakistan	8	0	1	0	0	9
Palestinian Terr (W Bank/gaza	0	0	1	0	0	1
Philippines	1	0	0	0	0	1
Russian Federation	1	0	0	0	0	1
Serbia & Montenegro	1	0	0	0	0	1
Solomon Islands	0	1	0	0	0	1

South Korea	1	0	0	0	0	1
Sri Lanka	12	2	0	0	0	14
Syria	1	0	0	0	0	1
Thailand	9	0	0	0	0	9
Tonga	1	0	0	0	0	1
Turkey	3	0	0	3	0	6
Uganda	1	0	0	0	0	1
United Kingdom	1	0	0	0	0	1
United States of America	1	0	0	0	0	1
Yemen Republic	0	1	0	0	0	1

ACCESSING TRIBUNAL DECISIONS

Access on Tribunal Premises

Access to published decisions of the Refugee Review Tribunal can be obtained from the Sydney and Melbourne Registries of the Tribunal.

The Sydney Registry is located at: Level 11
83 Clarence St
Sydney NSW 2000

The Melbourne Registry is located at: Level 12
460 Lonsdale St
Melbourne VIC 3000

Access via the Internet

A selection of Tribunal decisions is also currently available on the Refugee Review Tribunal's World Wide Web site located at <http://www.rrt.gov.au>.

The web site also contains information about how to apply to the Tribunal, how the Tribunal is organised, the function of the Tribunal and what it aims to achieve, caseload statistics, as well as copies of this and previous RRT Bulletins.

The RRT web site is updated on a regular basis.

The Tribunal's Email address is: rrtinfo@rrt.gov.au

INDEX

Akali Dal Badal Party (India)	6
Anti-Ba'athist (Iraq)	7
Child of mixed race (Mongolia)	8
Christian (Nepal)	9
Congress Party (India)	6
Conscientious objector (Israel)	8
Coptic Christian (Egypt).....	5
Denial of right to practise religion (China)	4
Domestic violence (Nepal)	9
Faili Kurd (Iraq)	6
Falun Gong (China).....	3
Fiji Labour Party (Fiji).....	5
Further Protection Visa (Afghanistan).....	2
Further Protection Visa (Iraq).....	7
Hazara (Afghanistan)	2
Indian (Fiji).....	5
Iranian collaborator (Iraq).....	7
Liberation Tigers of Tamil Eelaam (Sri Lanka).....	11
Objection to Israeli policy in Occupied Territories (Israel).....	8
Particular social group "Homosexuals" (Bangladesh)	3
Particular social group "Christian women married to Muslim men" (Egypt).....	5
Particular social group "Returnees to Fiji" (Fiji).....	5
Particular social group "Family" (Mongolia)	8
Police mistreatment (Romania).....	10
Returnee from the West (Iraq)	6
Roma (Romania).....	10
Roman Catholic (China).....	3
Shia Muslim (Afghanistan).....	2
Shia Muslim (Iraq)	7
Shia Muslim (Pakistan).....	9
Tamil (Sri Lanka)	11
Tian Do (China)	4
Underground church (China).....	3
Wahdat Party (Afghanistan).....	2