

RRT Bulletin

The Refugee Review Tribunal decisions digest

Issue No. 4/2007

2 April 2007

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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.

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REFUGEE REVIEW TRIBUNAL DECISIONS

Bangladesh

060841966

12 December 2006, Sydney

Mr R Inder, Member

BANGLADESH - POLITICAL OPINION - AWAMI JUBO LEAGUE - PARTY ACTIVIST - The applicant feared persecution arising from his involvement with the Awami Jubo League (AJL). He claimed he came from a political family and became attracted to the ideology and philosophy of the Awami league and its secular orientation. The applicant claimed he performed organisational activities and attended various meetings and other activities when the Bangladesh Nationalist Party (BNP) was in power. He claimed he was an elected office bearer of the AJL in his local area, had worked in election campaigns and became known as a political activist. The applicant claimed that he had been attacked and injured on several occasions by BNP activists who were attempting to kill him. He claimed he was afraid to return because he feared that terrorists were under the direct influence of the BNP and Jamat-e-Islami who were powerful and influential and backed by the local MP. The applicant claimed that law enforcement authorities had been killing Awami League leaders and activists without trial and that if he returned he would certainly be killed by BNP terrorists.

Held: Decision under review set aside.

The Tribunal accepted that the applicant had been a low-level Awami Jubo League party worker. However, due to his lack of knowledge about Awami Jubo League policies and based on the limited activities he claimed to have performed in various positions, the Tribunal did not accept his claim that was a party leader or had a high political profile, even at the local level. However, the Tribunal noted the evidence of the applicant's brother which was sober and unembellished and supported the applicant's political involvement, albeit at a lower level than claimed by the applicant himself. The applicant was willing to accept that on one occasion the applicant was assaulted, seriously injured and suffered a resulting medical condition while participating in a demonstration in support of the Awami Jubo League. It accepted that he would continue his low level political involvement and that he was widely known as a party activist. The Tribunal found that based on his previous injury while participating in a demonstration his fear of persecution was well-founded.

Burma

060562872

11 January 2007, Sydney

Ms M Males, Member

BURMA - RELIGION - CHRISTIAN - POLITICAL OPINION - ANTI-GOVERNMENT - SHAN STATE ARMY SUPPORTER - The applicant feared persecution in Burma because he had expressed anti-government opinions through involvement in student-led protests and political activities in 1988. He claimed that he continued his political activities until the early 1990s and was detained and tortured for this reason. He claimed that he had worked for a Shan State Army (SSA) officer for a period of time and was viewed as a Shan rebel and Shan supporter by the Burmese authorities. The applicant claimed that he had been involved in anti-regime activities in Australia. He also claimed that whilst working for the SSA officer, he came to know that the officer and the SSA engaged in illegal activities and he feared being persecuted by the SSA. He further claimed that he felt discriminated against whilst working with the SSA as they were mostly Buddhist whilst he was Christian. He stated that whilst there was no visible discrimination against Christianity in Burma he was treated harshly for his religion in prison. The applicant also claimed that he would face harm in Burma because he had obtained fake documents.

Held: Decision under review affirmed.

The Tribunal accepted that the applicant had been involved in student-led protests and a student organisation in 1998. It found that there was no risk of harm in the future due to those activities as independent information indicated that the authorities no longer had an adverse interest in those involved in the 1988 pro-democracy movement. The Tribunal did not accept that the applicant was engaged in any political activity after the 1988 protests. It accepted that he had worked for an officer of the SSA and had come to know that the officer and the SSA were engaged in illegal activities. The Tribunal found that the applicant would not be imputed with an anti-government or adverse political opinion because of his past association with the SSA. It found there was not a real chance that the applicant would be persecuted because of his knowledge of the activities of the SSA and the officer. The Tribunal did not accept that the officer or anyone acting on his behalf would harm the applicant in any way in the future. Nor was it satisfied that the applicant feared persecution from anyone else within the SSA. It was not satisfied that the applicant engaged in anti-regime activities in Australia other than for the sole purpose of strengthening his refugee claims and therefore disregarded that conduct. The Tribunal further found that he had not claimed to fear persecution because of his Christian beliefs and there was not a real chance that he would be persecuted for reasons of religion. It found that any harm the applicant may face for fraudulently obtaining documents would not amount to Convention related harm. The Tribunal found that the applicant did not have a well-founded fear of persecution for a Convention reason.

China

060748603

14 December 2006, Sydney

Mr D Dobell, Member

CHINA - RELIGION - POLITICAL OPINION - HUANG JIAO - INNER MONGOLIA - The applicant who was from Inner Mongolia feared persecution arising from his religion. He claimed he had been a Buddhist since he was little and several years ago had joined Huang Jiao which was an old Mongolian religion similar to Tibetan Buddhism. The applicant claimed that this belief was totally forbidden by the Chinese government and was considered to be an "evil cult". He claimed that when the local community administration found out he had been attending religious meetings he was told that if he continued he would be reported to the Public Security Bureau. The applicant claimed that later he was called in to see the community administrator who knew that he had been still attending Huang Jiao. He claimed he was detained and asked to sign a confession. The applicant claimed that the group's ideology was to promote the Mongolian ethnic group and become independent of China. He claimed that if he returned he might be arrested and gaoled or even go missing and his family would be harassed.

Held: Decision under review set aside.

The Tribunal noted that religious affairs in Inner Mongolia were seen to be matters concerning Chinese national security and were part of the Chinese authorities' fight against separatism and anti-state activity. It noted that independent information also suggested that followers of Tibetan Buddhism in China generally would be subject to systematic and discriminatory persecution because of the special connection with Tibet and Inner Mongolia. The Tribunal found that a Huang Jiao follower could be subject to arbitrary arrest and detention, imprisonment and interference with employment and civil rights. It found that the applicant was a follower of Huang Jiao, that he was detained by the Chinese authorities because of his practice of Huang Jiao and that he would continue to practise should he return. The Tribunal found there was a real chance that the applicant would face serious harm in China and accordingly his fear of persecution was well-founded.

060879859

21 December 2006, Melbourne

Mr A Gregory, Member

CHINA - RELIGION - CHRISTIAN - UNREGISTERED CHURCH - The applicant and her husband feared persecution for reason of their Christian faith. The applicant claimed to have become interested in religion following a visit by friends who were involved in Christian activities. After these visitors left, her curiosity about religion remained and she began singing hymns and attending gatherings where God was worshipped. The applicant claimed that she ceased these activities when advised there could be adverse consequences and

did not resume her practise of religion until arriving in Australia. The applicant, and some time later her husband, were baptised in Australia and have regularly attended a Christian Church. They feared they would be unable to practice their religion in China as they would refuse to attend an official church and would face a real chance of persecution if they attended an unregistered church and spread the gospel.

Held: Decision under review affirmed.

The Tribunal accepted that the applicant was curious about religion in China but found that she did not become a Christian until arriving in Australia. While the Tribunal accepted that the applicant and her husband were baptised and attended Church in Australia it found they held a very superficial and simplistic knowledge of Christianity. Given the applicant's limited knowledge, the Tribunal did not accept she would spread the gospel. While it accepted that she may wish to attend an unregistered church, it did not accept she faced a real chance of persecution given her limited involvement, her lack of knowledge that would equip her for a leadership role and the level of her potential involvement. The Tribunal found that the applicant's husband had a limited interest in Christianity and did not accept he would have any interest in continuing to practise in China. Accordingly, the Tribunal found that neither the applicant nor her husband had a well-founded fear of persecution.

060978673

16 January 2007, Sydney

Mr R Wilson, Member

CHINA - RELIGION - CHRISTIAN - PROSELYTISING - UNDERGROUND CHURCH - The applicant feared persecution as a Christian who had participated in an underground church. He claimed that he came to Australia with another member of his church who returned to China some months later and was arrested and imprisoned. The applicant claimed that some of his friends had been arrested for "illegal gathering" and the local authorities had gone to his family's home to look for him. He claimed that he had driven other churchmen to a village to attend weekly underground church services and that he had been baptised. The applicant stated that there were church services conducted in his city but they were frequented by the elderly and were conducted by the official church. He claimed that he attended church regularly in Australia, he believed that he had a responsibility to tell people about Jesus and he would do evangelical work.

Held: Decision under review set aside.

The Tribunal accepted that the applicant had a good understanding of his faith and was committed to it, as demonstrated by his driving members of the underground church for services. It accepted that he had been baptised in China and that he was a member of a Christian underground church until his departure. The Tribunal accepted that the applicant had attended services on a weekly basis as well as prayer groups, singing and scripture learning groups. It found that he had demonstrated his faith by participating extensively in church life. The Tribunal found that there were very restrictive regulations in the applicant's province and that house churches were regarded as illegal. It found that the motivation for the prosecution or punishment was the Convention ground of religion. The Tribunal found that there was persecution of members of house churches and that the applicant would continue to proselytise and attend the underground church if he returned. It found there was a real chance of persecution occurring to the applicant and accordingly, his fear of persecution was well-founded.



East Timor

060903765

30 January 2007, Melbourne

Mr A Gentile, Member

EAST TIMOR - PARTICULAR SOCIAL GROUP - BUSINESSMEN - POLITICAL OPINION - GOVERNMENT CONNECTIONS - COMMUNAL VIOLENCE - The applicant feared persecution as a member of a business group who had received government support. He claimed that his house had been burnt down by a politically motivated gang and that the houses of some of his siblings were also burnt. The applicant claimed that he had been threatened by neighbours associated with his political opponents because he had a job and they resented him. The applicant also claimed that his business premises were later looted and burnt. He claimed that those

responsible associated him with the government because he won contracts and was a member of a business group which had received support from a government being blamed for the dire economic situation. The applicant claimed that a relative who drove past the former premises of his business was asked by one of the occupiers where he was. He claimed that the government would be unable to protect him from harm.

Held: Decision under review affirmed.

The Tribunal noted that the harm claimed by the applicant was inflicted during a period of communal violence and that he claimed he and his extended family were targeted specifically. It was prepared to accept that the applicant's house and business were burnt down by groups of people during the civil disturbances in East Timor. The Tribunal did not accept that the applicant's relative had been asked where he was, nor that there was a grudge against him or a motive for revenge for an action or omission on his part. It was not satisfied that the applicant's membership of the business group would impute him with a political opinion which had or would cause him to be harmed. The Tribunal was not satisfied that such an organisation had acquired a profile such as to be a target for persons interested in protesting against the government or the business establishment. The Tribunal found that the burning of the applicant's business was not for a Convention reason and the harm done to him was not for the reason that he was a businessman or a member of a business group. It found that the state had not selectively withheld protection. Accordingly, the Tribunal found there was not a real chance that the applicant would be persecuted should he return.

India

060963715

15 January 2007, Sydney

Mr A Jacovides, Member

INDIA - MAJILIS-E-ITTEHADUL MUSLIMEEN - CRIMINAL GANGS - CORRUPT POLICE - RELOCATION -

The applicant feared persecution as a member of the political party Majilis-e-Ittehadul Muslimeem (MIM). He claimed that he attended meetings, collected funds, participated in social welfare activities and campaigned during elections. The applicant claimed that his duties included dealing with criminal gangs and ensuring the safety of members and that he made a complaint to police regarding a drug dealer. He claimed that an MIM member was kidnapped by a drug dealer and when the police decided not to take action, the MIM held a protest rally. The applicant claimed that men with automatic weapons opened fire and a number of persons were injured. He claimed the drug dealer threatened his family and told him to pay a ransom and stop going to the police. The applicant also claimed that he had been arrested and falsely accused of involvement in a drug case. He claimed that he was no longer associated with MIM, and without that protection he would be killed by drug dealers or imprisoned by corrupt police.

Held: Decision under review affirmed.

The Tribunal found that the applicant had limited knowledge regarding the MIM. However, as he had consistently stated that he was involved with the MIM and encountered difficulties with drug dealers in his area, the Tribunal gave him the benefit of the doubt with regard to his other claims. It accepted that he was involved with the MIM and as a consequence of those activities he was threatened and harassed by drug dealers and corrupt police. The Tribunal accepted that he was falsely accused of being implicated in a drug case and weapon smuggling. It found that his difficulties with drug dealers and the police were confined to his local area at a particular time when he was involved with the MIM. The Tribunal found that the applicant could avoid difficulties with drug dealers and police by relocating within India. It was satisfied that he had the skills, knowledge and resources to relocate his family within India and was satisfied that it was reasonable for the applicant and his family to do so. The Tribunal accordingly found that the applicant's fear of persecution was not well-founded.

Indonesia

061051351

2 February 2007, Sydney

Mr S Norman, Member

INDONESIA - FURTHER PROTECTION VISA - POLITICAL OPINION - FREE ACEH MOVEMENT - The applicant had previously been recognised as a refugee for reasons of his political opinion as a member of the Free Aceh Movement (GAM). He claimed that his father was killed while holding a significant position in GAM and he was offered the same position by his father's friends. The applicant further claimed that his GAM supervisor was arrested and documents naming him were seized by the authorities. He claimed that he continued to fear persecution as he still attended meetings in support of Acehnese independence and his photograph had been taken by an unknown man when he attended a demonstration in Australia. The applicant feared the photograph had been passed on to the Indonesian authorities who were very sensitive about public protests recognised internationally. He also claimed to disagree with the current peace agreement and feared he may come into conflict with other GAM members. The applicant believed he would be arrested, detained and physically and psychologically mistreated because of his continued support and activism on behalf of GAM both in Indonesia and Australia.

Held: Decision under review set aside.

The Tribunal found that the harm feared by the applicant would at least constitute significant physical harassment of the person or significant physical ill-treatment of the person. It was therefore satisfied the harm was sufficiently serious to constitute persecution for the purposes of the Convention. The Tribunal also found that the applicant's support and activism on behalf of GAM constituted a political opinion. Based on the independent information before it, the Tribunal held that his fear of persecution was well-founded. It was satisfied that the applicant's continuing profile in Australia, the split in GAM, the uncertainty still remaining in Aceh, the recent departure of international monitors and the mere eighteen months since the cessation of the thirty years of hostilities in Aceh meant that there was a real basis for finding that his fear was well-founded. Accordingly the Tribunal found that the applicant had a well-founded fear of persecution for reasons of his political opinion.

Iraq

061017495

12 February 2007, Melbourne

Ms G Hamilton, Member

IRAQ - RELIGION - CHRISTIAN - THIRD COUNTRY PROTECTION - The applicant feared persecution for reasons of his Christian religion. He claimed that he was forced to attend a military youth training camp where he was discriminated against for being a Christian. The applicant claimed he fled Iraq and lived in another country until his second temporary residence permit there expired. Fearing that he would be returned to Iraq if he was not granted another permit, he departed for Australia. The applicant claimed that it was very dangerous in Iraq for certain groups and that he would be at risk because of the time he had spent in the West. He also claimed he would be accused of supporting the United States and its allies.

Held: Decision under review set aside.

The Tribunal accepted that the applicant was a Chaldean Christian, based on the fact that several of his siblings had Christian first names. Based on independent information, it found that the applicant faced a real chance of serious harm because of his minority religion and his perceived association with the West, and that the Iraqi authorities were unable to protect him from such harm. The Tribunal found that the applicant's right to enter and temporarily reside in the third country had expired, due not to his actions but to the time taken to process his protection and review applications in Australia. While he would be able to apply for a new visa in the other country, the Tribunal could not make a confident finding that such an application would be successful. Accordingly, it was satisfied that the applicant had a well-founded fear of persecution.



Malaysia

071070452

16 February 2007, Sydney

Dr R Witton, Member

MALAYSIA - PARTICULAR SOCIAL GROUP - HOMOSEXUALS - DISCRIMINATION - COMMUNITY HOSTILITY - CRIMINAL ACTS - The applicant feared persecution as a practising homosexual. He claimed that neither he nor anyone he knew recognised that he was homosexual when he was living in Malaysia. The applicant claimed that he had discovered his sexuality since arriving in Australia as no-one dared to talk about such things in Malaysia. He claimed that he had become involved in a number of gay organisations but had not discussed his sexuality with non-homosexual colleagues or with family members here or in Malaysia for fear of ostracism. The applicant claimed that if he returned to Malaysia his sexuality would eventually become known and he would be in danger of attracting penalties under the Malaysian criminal code.

Held: Decision under review set aside.

The Tribunal accepted that the applicant was a homosexual who feared he would be harmed by either the authorities or homophobic elements in Malaysian society. It found that in such a case he could not expect protection from the authorities. The Tribunal accepted that being gay or homosexual in Malaysia made the applicant a member of a particular social group under the Convention. It found that independent evidence indicated an identifiable homosexual community in Malaysia which formed a cognisable social group within the country. The Tribunal found that societal prejudice against homosexuals made them a cognisable group within Malaysian society. It also noted that the Malaysian criminal code contained provisions that recognised and criminalised homosexual conduct. The Tribunal noted that homosexuals could not turn to the police for protection in the face of community hostility and threats. Accordingly, it found that the applicant had a well-founded fear of persecution for a Convention reason.



Mongolia

061020474

7 February 2007, Sydney

Dr R Witton, Member

MONGOLIA - PARTICULAR SOCIAL GROUP - LESBIANS - The applicant feared persecution as a lesbian. She claimed she had commenced a relationship with her female partner when they were 15 which had continued for over 10 years. She claimed she had been with her partner at a bar, they had danced and kissed and had been verbally insulted by male patrons who tried to assault them. After they left the bar they were followed by two men and had been separated and the men had assaulted them. The applicant managed to escape from the man who had assaulted her, but her partner had been raped. She claimed that when she went to the police for help she was forced to provide details about her relationship and the police said that was the reason they were attacked. The applicant found her partner at her home but she broke off their relationship as she felt she had been abandoned. The applicant also claimed that their relationship had become known at school and was reported to her parents. She claimed she had been excluded from school for several months and her parents were highly critical and eventually disowned her. The applicant claimed that after the attack she was very stressed and had tried to commit suicide. The applicant claimed she was worried about being able to obtain employment in Mongolia.

Held: Decision under review set aside.

The Tribunal found the applicant to be credible and accepted her evidence that she had been in a long relationship with a woman in Mongolia and that they were attacked after exhibiting affection in public. It further accepted that she had suffered social ostracism in the past for reason of her sexual orientation. The Tribunal accepted independent evidence that the police in Mongolia did not provide effective protection against attacks on gay and lesbian people. Indeed the evidence suggested that they shared the societal prejudice against homosexuals and had themselves been responsible for harassment of homosexuals. The Tribunal found

that being a lesbian, the applicant was a member of a particular social group in Mongolia. It further found that members of this social group were vulnerable to serious harm and that the police lacked sufficient professional training to afford appropriate protection to women such as the applicant, and may even be agents of such persecution. The Tribunal further found that the applicant would not be able to avoid the serious harm she feared by relocating elsewhere within Mongolia as the situation outside the capital city was even less likely to be favourable to her. The Tribunal found that the applicant's fear of persecution for reason of her membership of a particular social group was well-founded.

Sri Lanka

060647336
5 January 2007, Sydney
Mr A Jacovides, Member

SRI LANKA - RACE - TAMIL - POLITICAL OPINION - LIBERATION TIGERS OF TAMIL EELAM - The Tamil applicant feared persecution because an adverse political opinion had been attributed to him by the authorities as well as by the Liberation Tigers of Tamil Eelam (LTTE). He claimed that his sibling was a member of the LTTE and he was often asked to join but refused. The applicant claimed he was also detained by the LTTE and told to join but was released when he informed them his sibling was a member. He claimed that he was arrested after being implicated in an attack against the authorities, was held for several weeks and questioned, beaten and tortured. Several years later he was detained at a checkpoint, beaten by police and asked if he was involved with the LTTE. The applicant claimed he escorted an LTTE member at the request of his sibling and was subsequently targeted by both the authorities and the LTTE when that person was detained. He feared if he returned he would be killed by the authorities or the LTTE.

Held: Decision under review set aside.

The Tribunal accepted the applicant's claims and found he had provided a truthful account of his circumstances in Sri Lanka. It referred to independent information to accept that the LTTE and the authorities had been implicated in widespread human rights violations against the citizens of Sri Lanka. The Tribunal noted that the independent information indicated human rights conditions had improved after the ceasefire in 2002. However, it found that recent developments suggested the hostilities had resumed and that both sides had targeted each other as well as civilians. As such the Tribunal was satisfied the applicant was at risk of life-threatening harm in Sri Lanka because he had attracted the adverse interest of the authorities and the LTTE as a result of a political opinion. It found that the applicant would not be able to live safely in Sri Lanka in the reasonably foreseeable future and accordingly his fear of persecution was well-founded.

FEDERAL MAGISTRATES COURT JUDGMENTS

SZGXB v MIMA & Anor

[2007] FMCA 50

Federal Magistrates Court of Australia, Raphael FM, SYG2083 of 2005, 1 February 2007

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. He claimed to face persecution from the ruling party as a journalist and high profile member of the Awami League (AL). He submitted a series of letters from senior AL officials in support of his claims.

The Tribunal did not accept any of the applicant's claims and found the applicant to be willing to make bogus claims and support them with unreliable documents. The applicant had obtained a visa by falsely claiming to be an insurance company executive. The Tribunal provided two of the letters to the Australian High Commission in Dhaka and received advice which it described as "unequivocal advice from the Awami League ... that the applicant's claim that he has a significant position in the party [...] is baseless". The Tribunal sent three letters pursuant to s.424A of the *Migration Act* 1958 (the Act) in relation to information from the protection visa application and information received from the High Commission in Dhaka.

There was no discussion by the Tribunal of the applicant's position as an AL journalist, nor any discussion of other corroborative material submitted by the applicant. The respondent accepted that the failure to discuss these matters could only be consistent with the Tribunal's obligations under the Act if the evidence about his position in the party was so badly impugned that the "well has been poisoned beyond redemption" as per *Re MIMA; Ex parte S20/2002* (2003) 183 ALR 58. The Tribunal could come to such a view only if done in compliance with the provisions of the Act. The issue for the Court was whether the Tribunal had complied with s.424A of the Act.

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

- (i) The Tribunal failed to comply with s.424A(1)(b) of the Act in that the Tribunal did not ensure as far as was reasonably practicable that the applicant understood why the information it relied upon was relevant to the review.
- (ii) The second response from the High Commission's source stated, in relation to the two letters that were sent to it, that they were signed by the relevant persons but that the applicant "does not have a party identity". The Tribunal utilised this information to find that "the applicant and his advisers have only been able to demonstrate how unreliable supporting documents from Bangladesh are – a fact of which [they] are well aware". The unreliability of documents could not be implied from this response.
- (iii) The Tribunal could not utilise these words to support a proposition that, added to the Tribunal's finding about the explained false visa application, the well of the applicant's credibility was poisoned beyond redemption.
- (iv) The wording used about the High Commission's response was not such as to allow the Tribunal to come to such a conclusion without providing the applicant with a letter that ensured as far as is reasonably practicable that the applicant understood why the information was relevant to the review.

Obiter:

- (v) The failure to deal with all the letters, the failure to consider in any way all the other corroborative material, the gratuitous comment about the applicant and advisers' awareness about unreliability of documents and the use of the term "bogus claims" could indicate to a properly informed hypothetical lay observer that the Tribunal might not have brought an impartial mind to the question to be decided.

MZXBP v MIMA & Anor
[2007] FMCA 77

Federal Magistrates Court of Australia, O'Dwyer FM, MLG 1048 of 2005, 2 February 2007

The applicant, a national of Sri Lanka, 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 Tribunal did not accept that the applicant was a Provisional Organiser for the United National Party (UNP), was seen as a political organiser for the UNP or was a prominent UNP personality.

The applicant claimed the Tribunal failed to deal with the claim that his friend was murdered in circumstances where the friend had a similar role and profile to himself within the UNP and was associated with him because the friend helped the applicant after he was assaulted on one occasion. The claim was supported by evidence including photographs and a newspaper article. The Tribunal referred to the matter under the "Claims and Evidence" section of the decision record and it was raised during the hearing. However the Tribunal made no finding in relation to this evidence and did not refer to it in the "Findings and Reasons" section.

The applicant also claimed that the Tribunal had failed to comply with s.424A of the *Migration Act 1958* (the Act) regarding information contained in the original visa application and had made factual errors going to jurisdiction.

Held: Tribunal decision set aside and remitted for reconsideration.

- (i) The Tribunal failed to consider a material claim clearly raised before it in its findings and reasons. It was a significant and material aspect of the applicant's case that his profile and involvement with the UNP was similar to that of his deceased friend. It was important and material for the Tribunal to evaluate the significance of the applicant's friend and the circumstances of his death in the context of the applicant's case. It was not enough to refer to the friend; the Tribunal was required to make an appropriate finding.
- (ii) The Tribunal complied with s.424A of the Act because the applicant adopted the information in his visa application for use in his review application.
- (iii) The Tribunal did not make errors of fact that amounted to a misunderstanding or misconception of the facts that led to a failure to consider a claim.

SZGEO v MIMIA & Anor
[2007] FMCA 81

Federal Magistrates Court of Australia, O'Sullivan FM, SYG 1110 of 2005, 5 February 2007

The applicant, a national of India, 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.

At the beginning of the "Findings and Reasons" part of its decision record, the Tribunal observed that the applicant's claims as set out in his protection visa application and as stated at the hearing were "somewhat different". In his protection visa application the applicant had claimed that he was involved in relief works following Muslim/Hindu riots and for that reason came to the attention of the Congress Party and Muslims who had physically attacked him. At the hearing the applicant had claimed that during riots his shop was destroyed by Muslims on a number of occasions. The Tribunal found that because at the hearing the applicant had made no claim to have been involved in relief works and to as a consequence have experienced harm from Congress supporters, it did not accept this claim. The "Findings and Reasons" finished with a statement that "Considered collectively, the points above lead the Tribunal to the finding that the applicant is not in genuine fear of persecution...".

Held: Tribunal decision quashed and remitted for reconsideration.

- (i) The Tribunal failed to comply with s.424A of the *Migration Act 1958* as it did not put the inconsistency between the claims in the protection visa application and evidence at hearing to the applicant in writing for comment. It was not simply that the Tribunal was unable to be satisfied given

the gaps in the evidence or the absence of information. As the Tribunal's findings and reasons made clear, the fact that the applicant had made different claims in his protection visa application constituted information that was a reason or part of a reason for affirming the decision.

- (ii) The finding that the applicant made different claims at the hearing compared to those in his protection visa application informed the rest of the Tribunal's findings and reasons. It was not the unsatisfactory nature of the evidence at hearing alone that was the reason for affirming the decision.

NAGG of 2002 v MIAC & Anor

[2007] FMCA 84

Federal Magistrates Court of Australia, Emmett FM, SYG 1949 of 2005, 16 February 2007

The applicant, a citizen of the Ukraine, 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 be an active member of the regional branch of the Ukraine Communist Party and claimed persecution by the Security Service of the Ukraine (SBU) for her involvement with that Party. She claimed that the SBU had commenced a false criminal case against her and she would be prosecuted on her return to Ukraine. The applicant had declined to attend a Tribunal hearing.

In its decision, the Tribunal stated "*I note that in her business visa application to the Department she stated that she was a member of RUKH (People's Movement of Ukraine) and provided documents to support her claim*". Having regard to independent information, it noted that RUKH was opposed to the Communist Party. The Tribunal stated in its decision that "*without further information*" it was unable to make any concluded findings in respect of any of the claims made by the applicant and did not accept that there had been serious mistreatment or any concerted or systematic harassment of the applicant for reason of her membership of the RUKH party *or* her membership of the Communist Party.

Held: Tribunal decision remitted to the Tribunal for determination according to law.

- (i) The Tribunal breached s.424A(1) of the *Migration Act* 1958 and committed jurisdictional error.
- (ii) The clear inference from the Tribunal's conclusion is that it considered whether the applicant may have suffered serious persecution by reason of her involvement with the Communist Party in circumstances where she had also been a member of the RUKH party.
- (iii) The Tribunal's decision disclosed a consciousness of the existence of supporting documents for her business visa application whereas her application for a protection visa was not supported by documents. The awareness by the Tribunal of this difference would appear to be information to which the Tribunal had regard as part of its reason for affirming the decision under review. The relevance of information is not limited to whether the information leads to a positive factual finding based on its terms
- (iv) In the circumstances, the information about the applicant's membership of the RUKH party, as disclosed in her business visa application was information used by the Tribunal as part of its reason for affirming the decision under review.

SZFLM v MIAC & Anor

[2007] FMCA 1

Federal Magistrates Court of Australia, Driver FM, SYG78 of 2005, 22 February 2007

The applicant, a Chinese national, 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 arising from his practice of Falun Gong.

The applicant advised the Tribunal in writing that he did not wish to give oral evidence at the hearing. The Tribunal affirmed the decision of the delegate as it was not satisfied on the vague and limited available evidence that he was a practitioner of Falun Gong or had come to the attention of the Chinese officials. The applicant did not attend the handing down of the decision but was sent a copy of the decision record within 14 days

after the day it was handed down. However, it appeared that the copy sent to the applicant did not contain all of the relevant pages of the decision.

The applicant contended, among other things, that the Tribunal failed to comply with the requirements of s.430B(6) of the *Migration Act 1958* (the Act) as he did not receive a complete decision record.

Held: Application dismissed.

- (i) The Tribunal did not comply with s.430B(6) of the Act. That provision required the Tribunal to notify the applicant of the decision by giving the applicant a copy of the statement prepared under s.430(1) of the Act by a specified method within 14 days of the day on which it was handed down. The copy of that decision was missing page 5 of the decision record. The incomplete copy of the decision record was sufficient to enable the applicant to understand *what* the decision was but it was insufficient to enable the applicant to understand *why* the decision was made.
- (ii) The code of procedure encompassed in Part 7 of the Act includes an obligation of notification of the decision to the applicant. This is part of the statutory obligation of the Tribunal and its jurisdiction is not exhausted until such time as all of its statutory functions and obligations have been completed. However, the notification obligation under s.430B(6) of the Act is separate from and subsequent to the decision making function of the Tribunal and provided that a failure to comply with a notification obligation under this section does not prevent action being taken upon a decision (either to enforce it or to seek judicial review of it) the failure to give a required notification does not invalidate the decision required to be notified.
- (iii) Compliance with s.430B(6) is not generally a condition subsequent to the making of a lawful decision in accordance with Part 7 of the Act, it is a separate and enforceable statutory obligation on the Tribunal and a failure to comply with it, in accordance with the High Court decision of *WACB v Minister for Immigration* (2004) 210 ALR 190, will render inoperative current statutory time limits on judicial review applications to the courts.

SZGFA & Ors v MIMIA & Anor

[2007] FMCA 6

Federal Magistrates Court of Australia, Barnes FM, SYG1135 of 2005, 27 February 2007

The applicant, a national 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 as a second child born outside the one child policy of China who would consequently suffer legal, social and economic disadvantage. The second and third applicant are his father and mother and the fourth applicant is their elder son. They did not make any specific claims in their own right.

In making its decision, the Tribunal preferred Department of Foreign Affairs and Trade (DFAT) advice, “to the effect that pragmatism will take precedence in the case of births which have occurred overseas and that people returning from overseas with more than one child will not encounter difficulties” over the applicants’ evidence. The Tribunal also referred to DFAT advice that where a child was born in breach of the provincial family planning regulations the parents were required to pay a “social compensation fee”, but that on registration and payment of the fee the child would no longer be regarded as a “black child” or an unregistered child and that all registered children were entitled to access health and educational facilities, “although families with only one child may be entitled to preference in certain respects.” The Tribunal did not accept there was a real chance that the first applicant’s parents would be unable to pay the “social compensation fee” if they were required to do so.

The applicant contended, among other things, that while the Tribunal had found that the applicant would be registered on going to China and that there would therefore be no real chance of persecution in the reasonably foreseeable future. In making that finding, the Tribunal also found that there were “certain privileges” accorded to registered only children which were not given to registered children who were not only children. The applicant contended that the Tribunal had erred in failing to address what those privileges may or may not amount to and in not considering whether the discrimination constituted by the denial of such privileges amounted to persecution.

Held: Tribunal decision quashed and remitted for reconsideration.

- (i) The Tribunal fell into error in failing to consider whether denial of the privileges accorded to only children amounted to discrimination which was serious harm constituting persecution within s.91R(1)(b) of the *Migration Act 1958*.
- (i) The findings that people returning from overseas with more than one child would not encounter difficulties and that there was not a real chance that the applicant child would be persecuted for reasons of his membership of the particular social group of “black children” did not address the claimed fear of persecution as a result of the operation of the one child policy in its entirety, insofar as it conferred benefits on only children to which the applicant would not be entitled, even if registered. In this respect the Tribunal fell into jurisdictional error.
- (ii) It was necessary for the Tribunal to identify the privileges accorded to only children and to address the “impact” of the law or practices that accorded such privileges and whether such treatment was “appropriate and adapted to achieving some legitimate government object” or whether such treatment involved “such a significant departure from the standards of the civilised world as to constitute persecution”.

SZIVE v MIMA & Anor
[2007] FMCA 148

Federal Magistrates Court of Australia, Turner FM, SYG 1345 of 2006, 28 February 2007

The applicant, a national of Iran, 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 have jointly disseminated anti-government material, one document of which was made public by a journalist while he was outside the state. The applicant claimed that security forces seized documents from his home and arrested the journalist. The applicant claimed to fear arrest and torture if returned. In its reasons for decisions, the Tribunal concluded that the applicant had no involvement with that document prior to departing Iran or with its distribution. The Tribunal also found that the journalist had been arrested but for a different reason.

The applicant alleged jurisdictional error on several grounds, including that the Tribunal failed to take into account relevant information or comply with s.424A of the *Migration Act 1958* (the Act) and mistakenly relied upon a factual finding in another Tribunal decision.

Held: Tribunal decision set aside and remitted for reconsideration.

- (i) The Tribunal committed a jurisdictional error and breached s.424A by failing to have regard in its reasons to important relevant material going to a central consideration. The Tribunal had an implied duty to consider the applicant’s statutory declaration as it was a response to a s.424A invitation.
- (ii) As there is nothing to show that the Tribunal considered the content of the applicant’s statutory declaration, it is inferred that the Tribunal had no regard to that statement in reaching its decision.
- (iii) The Tribunal also failed to comply with s.424A of the Act by failing to invite the applicant to comment on independent information relevant to the circumstances of the journalist’s arrest. Furthermore, the Tribunal had not explained to the applicant how information appearing on the internet and suggesting that the journalist had no involvement with distributing the document was relevant to the review.
- (iv) The Tribunal also made a jurisdictional error by relying upon a factual finding made in another Tribunal decision that was subsequently determined to be infected with jurisdictional error and remitted for reconsideration.

SZIVF v MIMA & Anor

The applicant, a national of Iran, 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 on the basis of his involvement in the dissemination of anti-governmental material. He claimed that one letter (the Abtahi letter) was made public by a well known writer and journalist, resulting in a public uprising, after which the security forces came to his home to seize documents and issued an arrest warrant for him.

The Tribunal found that the applicant, along with two friends (who separately applied for review), had created the claims in relation to their involvement with the Abtahi letter in order to obtain a protection visa.

The applicant contended that the Tribunal did not consider the applicant's comments provided in response to its s.424A letter. In doing so, it failed to take a relevant consideration into account and to comply with s.424A of the *Migration Act 1958* (the Act). The applicant argued further breaches of s.424A in that the Tribunal failed to put to the applicant all of the relevant information in media articles about the journalist and to explain the relevance of information that the Abtahi letter had appeared on a website. He also argued that the Tribunal committed jurisdictional error by relying on a finding of fact made in deciding another application, where that decision had since been remitted and was now void.

Held: Tribunal decision set aside and remitted for reconsideration.

- (i) The Tribunal failed to have regard to the statement of the applicant which included material going to the central consideration in the case. The statement being of great significance on an issue critical to the case, the failure to have regard to it was an error of jurisdiction and a breach of s.424A of the Act.
- (ii) The Tribunal had an implied duty to consider that statement, as it was a response to an invitation under s.424A(1) of the Act. As it failed to do so, the Tribunal failed to have regard to relevant information and therefore committed a jurisdictional error. The statement was not merely "*a piece of evidence*" - it was a submission central to the case.
- (iii) Information about the journalist in two articles was not put to the applicant and that information was relevant to the Tribunal's decision as to why the journalist was arrested. That information should have been put to the applicant and s.424A was not complied with.
- (iv) That information was about another person, and therefore was not excluded from s.424A(1) by s.424A(3)(a) of the Act. The Tribunal relied on the information in concluding that the independent evidence did not suggest that the journalist was involved in writing the Abtahi letter, or typing comments on it, or involved in its distribution. As a result of that finding the Tribunal rejected other claims made by the applicant. The information therefore was the reason or part of the reason for the Tribunal affirming the decision under review and should have been set out in the s.424A letter.
- (v) The Tribunal failed to comply with s.424A(1)(b) of the Act by ensuring that the applicant understood why the information that the Abtahi letter had appeared on a website was relevant to the review.
- (vi) The Tribunal's decision that the applicant did not have any involvement with the Abtahi letter was based on a finding in another review application. As the decision in that case was infected with jurisdictional error and has been remitted to the Tribunal for consideration according to law, reliance on that finding was a jurisdictional error, as the Tribunal decision relied on is of no legal effect.

The applicant, a South Korean national, 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, who was in immigration detention, claimed to fear persecution on the basis that he was suspected of being a North Korean spy.

On 6 July 2006, the Tribunal sought comment from the applicant pursuant to s.424A(1) of the *Migration Act* 1958 (the Act) and in that letter also provided to the applicant the opportunity to include in the response any other information he wished to bring to the Tribunal's attention. On 13 July 2006, the applicant's representative provided a submission in response to this letter and on the same day a two page communication in the Korean language was sent to the Tribunal via facsimile. One page consisted of Korean characters and the second page appeared to be a map or plan. In affirming the decision, the Tribunal found the applicant's evidence lacked credibility and did not consider that the explanations provided in response to its s.424A letter were convincing. It further noted that "the material before the Tribunal does not indicate any further factors that might establish a real chance the applicant will face serious harm if he returned to South Korea". The decision record, signed by the Member on 14 July 2006, did not mention the "Korean language documents" which were provided via facsimile. The Tribunal notified the applicant of its decision on 17 July 2006. A case note, dated 20 July 2006, indicated that the Member examined the "Korean language documents" and considered that the Korean text contained no new information or claims.

The applicant contended, among other things, that the Tribunal breached its obligations under s.424 of the Act by disregarding the information provided via facsimile.

Held: Tribunal decision set aside and remitted for reconsideration.

- (iv) The Tribunal fell into jurisdictional error in that at the time of making its decision it failed to take into account the foreign language material provided by the applicant and as such it failed to perform an imperative duty. The applicant provided the material before the time of the Tribunal's decision and the Tribunal has an obligation to look at all material provided to it up to that time.
- (v) The legislation provides for the clear distinction between those decisions on applications where a person is in immigration detention and those where the applicant is not so detained. The relevant section applicable to an application involving an applicant in immigration detention is s.430D(2) of the Act. Given the clear absence of any provision for the handing down of the decision or the giving of the decision as being the date of the decision and given that the plain language of s.430D(2) is that a "statement under 430(1) must be given within 14 days after the decision concerned has been made", the clear inference is that the decision is made when the decision is finalised, the evidence of which is the date of signing by the presiding member. It therefore becomes available to be "given" to the applicant within 14 days. In this case the date of making the decision was 14 July 2006.
- (vi) In noting that the Korean text contained no new information or claims, the Tribunal did not ascertain the gist, relevance, significance or importance of the "Korean language document", such as to be able to make a determination as to its nature and in particular as to whether it was a new claim, integer of a claim or otherwise without having something more. Given that the material was received by the Tribunal prior to the time of the making of its decision and given that it is obliged to consider that material, in the circumstances (even leaving aside the issue of whether it had already completed the exercise of its jurisdiction) the Tribunal did not give a proper consideration to this material at this later time.

Obiter

- (vii) The applicant should not be disadvantaged in the exercise of the Tribunal's jurisdiction merely because of the absence of an employee involved in the process of transmitting communications from the Tribunal's "fax inbox" to the presiding member, or the lack of such procedures, to ensure that all material received is before the presiding member "up to the time the decision is made". It cannot be the situation that the Tribunal can avoid its obligation merely on the basis of the presiding member not having referred to him (or her) material sent to and received by the Tribunal's staff, in a timely fashion.
- (viii) The Tribunal's letter of 6 July 2006 contained a request made pursuant to s.424A of the Act but also an invitation pursuant to s.424. The Tribunal invited the applicant to provide "other information" that he

wished to bring to the Tribunal's attention. That is information other than what he wished to say in response to what was set out in the Tribunal's letter and it was "other information" clearly in addition to, or relating to, the issues that were raised at the hearing.

- (ix) The "Korean language documents" did not fully comply with the Tribunal's specification in response to the Tribunal's invitation, pursuant to s.424. Specifically, the document, and those parts of the plan which contain writing were not in English. Given that what the applicant himself provided to the Tribunal on 13 July 2006 did not comply with the Tribunal's specifications in its letter of invitation to comment, for the giving of any such response, then the applicant's material cannot be said to have been provided in response to that invitation. Therefore the applicant is not able to rely on Regulation 4.35(6) to the extent that any argument can be made that receipt by the Tribunal's Registry of the material means that it is taken to have been received by the presiding member at the time.

SZIRS & Anor v MIMIA & Anor

[2007] FMCA 214

Federal Magistrates Court of Australia, Lucev FM, SYG 1106 of 2006, 16 March 2007

The applicant, a national of India, 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 on the basis of his political opinion.

The applicant did not attend the Tribunal hearing and the Tribunal proceeded to affirm the decision under review pursuant to s.426A of the *Migration Act 1958* (the Act).

The applicant contended that the Tribunal did not send, and he did not receive, the Tribunal's hearing invitation letter. The Minister relied on an affidavit of the Tribunal's standard procedures for dispatching letters inviting applicants to attend Tribunal hearings and contended that there was no reason to believe the procedures described were not followed in relation to the applicant.

Held: Tribunal decision set aside and remitted for reconsideration.

- (i) The Tribunal made a jurisdictional error by failing to comply with s.441A(4) of the Act and failing to invite the applicant to a hearing for the purposes of s.425.
- (ii) An applicant may only be deemed to receive a letter, for the purposes of s.441C(4) of the Act, if the letter has been sent by a method in s.441A(4). The Tribunal's affidavit identified procedures that would or would ordinarily be followed however it did not provide evidence of an actual record being kept of letters sent.
- (iii) Taking into account the need for strict compliance with s.425 of the Act (that the Tribunal "must invite" the applicant to a hearing) and the consequences of an applicant's failure to attend (that a decision may be affirmed and an applicant required to return to a country in which they allege they fear persecution) the generality of the evidence concerning the sending of the Tribunal hearing letter was not persuasive to the requisite standard that the letter was sent. There were no facts sufficiently relating to the possible sending of the letter to warrant the conclusion that it was more likely than not that it was sent.

LEGISLATION UPDATE

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

Legislation Pending

Migration Legislation Amendment (Information and Other Measures) Bill 2007

The *Migration Legislation Amendment (Information and Other Measures) Bill 2007* was introduced to the House of Representatives on 1 March 2007 and passed by the House on 26 March 2007. The Bill was introduced and passed in the Senate on 28 March 2007 and it has been presented to the Governor-General for assent.

The Bill seeks to amend the *Migration Act 1958* by:

Addressing limitations of certain provisions dealing with identifying information, for example by ensuring that no offence is committed under sections 336D or 336E if identifying information, collected from a non citizen, is accessed or disclosed after the person has become an Australian citizen (and no longer fits the description of “non-citizen”);

Broadening the ability of the Department of Immigration and Citizenship to disclose movement records for the benefits of the person to whom the record relates; and

Amending the definition of “fisheries detention offence”

A copy of the Bill can be found at:

<http://www.comlaw.gov.au/ComLaw/Legislation/Bills1.nsf/bills/bytitle/93AC0A085F0E885ACA2572960014B4C6?OpenDocument>

Migration Amendment (Review Provisions) Bill 2006

The *Migration Amendment (Review Provisions) Bill 2006* (the Act) was introduced to the Senate on 7 December 2006. On the same day, the Bill was referred to the Senate Legal and Constitutional Affairs Committee (SLCAC) for inquiry and report by 20 February 2007. Submissions were called for by 19 January 2007 and a public hearing was held in Sydney on 31 January 2007. The inquiry and the report by SLCAC were completed on 20 February 2007 and on 26 February 2007 the report by SLCAC was tabled in the Senate.

The Bill aims to amend the Act to:

Allow the Refugee Review Tribunal (the Tribunal) to orally give clear particulars of any information that the Tribunal considers would be the reason, or part of the reason, for affirming the decision that is under review and invite the applicant to comment on or respond to the information;

Provide that the obligation to give an applicant information and invite comment on or a response to the information does not extend to information already provided by the applicant to the Department of Immigration and Citizenship, as part of the process leading to the decision under review, other than information that the applicant has given orally to the Department;

Provide that if the Tribunal gives, orally or in writing, clear particulars of the information that the Tribunal considers would be the reason or part of the reason for affirming the decision under review, then the Tribunal must ensure, as far as is reasonably practicable, that the applicant understands why the information is relevant to the review and the consequences of the information being relied on in affirming the decision;

Provide that if an applicant is given information at the hearing, the Tribunal must advise that he or she may seek additional time to comment on or respond to the information;

Provide that if an applicant seeks more time to comment on the information and the Tribunal considers that the applicant reasonably needs additional time, the Tribunal must adjourn the review and provide the applicant with that opportunity;

Include new provisions that ensure that in carrying out the procedures and requirements regarding the natural justice hearing rule set out in the Act (which continue to be an exhaustive statement of the natural justice hearing rule), the Tribunal must do so in a way which is fair and just.

A copy of the bill can be found at:

[http://parlinfoweb.aph.gov.au/piweb/browse.aspx?path=Legislation%20%3E%20Current%20Bills%20by%20Title%20%3E%20Migration%20Amendment%20\(Review%20Provisions\)%20Bill%202006](http://parlinfoweb.aph.gov.au/piweb/browse.aspx?path=Legislation%20%3E%20Current%20Bills%20by%20Title%20%3E%20Migration%20Amendment%20(Review%20Provisions)%20Bill%202006)

A copy of the submissions received by the Senate Legal and Constitutional Affairs Committee as at 2 February 2007 can be found at:

http://www.aph.gov.au/Senate/committee/legcon_ctte/mig_review_provisions/submissions/sublist.htm

A copy of the report by the Senate Legal and Constitutional Affairs Committee can be found at:

http://www.aph.gov.au/Senate/committee/legcon_ctte/mig_review_provisions/report/index.htm

CASELOAD OVERVIEW

▶ RRT Decisions – March 2007

Country	Primary decision set aside	Primary decision affirmed	No jurisdiction Withdrawn	No jurisdiction Other	Total
Albania	0	1	0	0	1
Armenia	0	1	0	0	1
Bangladesh	2	7	1	11	21
Bosnia and Herzegovina	0	0	1	0	1
Burma (Myanmar)	0	1	0	0	1
Cambodia	1	2	0	0	3
China (PRC)	28	73	0	2	103
Colombia	0	1	0	0	1
East Timor	0	1	0	0	1
Egypt	1	3	0	0	4
Ethiopia	3	2	0	0	5
Fiji	0	3	0	1	4
Georgia	0	1	0	0	1
Ghana	0	1	0	0	1
India	0	17	2	0	19
Indonesia	1	16	0	1	18
Iran	2	0	0	0	2
Jordan	0	1	0	0	1
Kenya	1	0	0	0	1
Korea, Republic Of	0	5	0	0	5
Latvia	1	0	0	0	1
Lebanon	1	6	0	0	7
Lithuania	0	1	0	0	1
Malaysia	0	7	1	0	8
Mongolia	0	2	0	0	2
Nepal	0	2	0	1	3
Nigeria	1	2	0	0	3
Pakistan	1	2	0	0	3
Papua New Guinea	0	1	0	0	1
Philippines	0	7	1	0	8
Poland	0	1	0	0	1
Sierra Leone	0	1	0	0	1
Singapore	0	1	0	0	1
South Africa	1	0	0	0	1
Sri Lanka	7	3	0	0	10
Tanzania	0	1	0	0	1
Thailand	0	4	0	0	4
Tonga	0	1	0	0	1
Turkey	1	1	0	0	2
Ukraine	0	3	0	0	3
Vietnam	0	1	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

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