

1212047 [2013] RRTA 111 (13 February 2013)

DECISION RECORD

RRT CASE NUMBER:	1212047
DIAC REFERENCE(S):	CLF2012/57938
COUNTRY OF REFERENCE:	Lebanon
TRIBUNAL MEMBER:	Rodger Shanahan
DATE:	13 February 2013
PLACE OF DECISION:	Sydney
DECISION:	The Tribunal affirms the decision not to grant the applicant a Protection (Class XA) visa.

STATEMENT OF DECISION AND REASONS

APPLICATION FOR REVIEW

1. This is an application for review of a decision made by a delegate of the Minister for Immigration to refuse to grant the applicant a Protection (Class XA) visa under s.65 of the *Migration Act 1958* (the Act).
2. The applicant who claims to be a **citizen of Lebanon**, applied to the Department of Immigration for the visa on [date deleted under s.431(2) of the *Migration Act 1958* as this information may identify the applicant] March 2012.
3. The delegate refused to grant the visa [in] July 2012, and the applicant applied to the Tribunal for review of that decision.

RELEVANT LAW

4. Under s.65(1) a visa may be granted only if the decision maker is satisfied that the prescribed criteria for the visa have been satisfied. The criteria for a protection visa are set out in s.36 of the Act and Part 866 of Schedule 2 to the Migration Regulations 1994 (the Regulations). An applicant for the visa must meet one of the alternative criteria in s.36(2)(a), (aa), (b), or (c). That is, the applicant is either a person in respect of whom Australia has protection obligations under the 1951 Convention relating to the Status of Refugees as amended by the 1967 Protocol relating to the Status of Refugees (together, the Refugees Convention, or the Convention), or on other 'complementary protection' grounds, or is a member of the same family unit as a person in respect of whom Australia has protection obligations under s.36(2) and that person holds a protection visa.

Refugee criterion

5. Section 36(2)(a) provides that a criterion for a protection visa is that the applicant for the visa is a non-citizen in Australia in respect of whom the Minister is satisfied Australia has protection obligations under the Refugees Convention.
6. Australia is a party to the Refugees Convention and generally speaking, has protection obligations in respect of people who are refugees as defined in Article 1 of the Convention. Article 1A(2) relevantly defines a refugee as any person who:

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.
7. The High Court has considered this definition in a number of cases, notably *Chan Yee Kin v MIEA* (1989) 169 CLR 379, *Applicant A v MIEA* (1997) 190 CLR 225, *MIEA v Guo* (1997) 191 CLR 559, *Chen Shi Hai v MIMA* (2000) 201 CLR 293, *MIMA v Haji Ibrahim* (2000) 204 CLR 1, *MIMA v Khawar* (2002) 210 CLR 1, *MIMA v Respondents S152/2003* (2004) 222 CLR 1, *Applicant S v MIMA* (2004) 217 CLR 387, *Appellant S395/2002 v MIMA* (2003) 216 CLR 473, *SZATV v MIAC* (2007) 233 CLR 18 and *SZFDV v MIAC* (2007) 233 CLR 51.

8. Sections 91R and 91S of the Act qualify some aspects of Article 1A(2) for the purposes of the application of the Act and the regulations to a particular person.
9. There are four key elements to the Convention definition. First, an applicant must be outside his or her country.
10. Second, an applicant must fear persecution. Under s.91R(1) of the Act persecution must involve 'serious harm' to the applicant (s.91R(1)(b)), and systematic and discriminatory conduct (s.91R(1)(c)). The expression 'serious harm' includes, for example, a threat to life or liberty, significant physical harassment or ill-treatment, or significant economic hardship or denial of access to basic services or denial of capacity to earn a livelihood, where such hardship or denial threatens the applicant's capacity to subsist: s.91R(2) of the Act. The High Court has explained that persecution may be directed against a person as an individual or as a member of a group. The persecution must have an official quality, in the sense that it is official, or officially tolerated or uncontrollable by the authorities of the country of nationality. However, the threat of harm need not be the product of government policy; it may be enough that the government has failed or is unable to protect the applicant from persecution.
11. Further, persecution implies an element of motivation on the part of those who persecute for the infliction of harm. People are persecuted for something perceived about them or attributed to them by their persecutors.
12. Third, the persecution which the applicant fears must be for one or more of the reasons enumerated in the Convention definition - race, religion, nationality, membership of a particular social group or political opinion. The phrase 'for reasons of' serves to identify the motivation for the infliction of the persecution. The persecution feared need not be *solely* attributable to a Convention reason. However, persecution for multiple motivations will not satisfy the relevant test unless a Convention reason or reasons constitute at least the essential and significant motivation for the persecution feared: s.91R(1)(a) of the Act.
13. Fourth, an applicant's fear of persecution for a Convention reason must be a 'well-founded' fear. This adds an objective requirement to the requirement that an applicant must in fact hold such a fear. A person has a 'well-founded fear' of persecution under the Convention if they have genuine fear founded upon a 'real chance' of being persecuted for a Convention stipulated reason. A fear is well-founded where there is a real substantial basis for it but not if it is merely assumed or based on mere speculation. A 'real chance' is one that is not remote or insubstantial or a far-fetched possibility. A person can have a well-founded fear of persecution even though the possibility of the persecution occurring is well below 50 per cent.
14. In addition, an applicant must be unable, or unwilling because of his or her fear, to avail himself or herself of the protection of his or her country or countries of nationality or, if stateless, unable, or unwilling because of his or her fear, to return to his or her country of former habitual residence. The expression 'the protection of that country' in the second limb of Article 1A(2) is concerned with external or diplomatic protection extended to citizens abroad. Internal protection is nevertheless relevant to the first limb of the definition, in particular to whether a fear is well-founded and whether the conduct giving rise to the fear is persecution.

15. Whether an applicant is a person in respect of whom Australia has protection obligations is to be assessed upon the facts as they exist when the decision is made and requires a consideration of the matter in relation to the reasonably foreseeable future.

Complementary protection criterion

16. If a person is found not to meet the refugee criterion in s.36(2)(a), he or she may nevertheless meet the criteria for the grant of a protection visa if he or she is a non-citizen in Australia in respect of whom the Minister is satisfied Australia has protection obligations because the Minister has substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to a receiving country, there is a real risk that he or she will suffer significant harm: s.36(2)(aa) ('the complementary protection criterion').
17. 'Significant harm' for these purposes is exhaustively defined in s.36(2A): s.5(1). A person will suffer significant harm if he or she will be arbitrarily deprived of their life; or the death penalty will be carried out on the person; or the person will be subjected to torture; or to cruel or inhuman treatment or punishment; or to degrading treatment or punishment. 'Cruel or inhuman treatment or punishment', 'degrading treatment or punishment', and 'torture', are further defined in s.5(1) of the Act.
18. There are certain circumstances in which there is taken not to be a real risk that an applicant will suffer significant harm in a country. These arise where it would be reasonable for the applicant to relocate to an area of the country where there would not be a real risk that the applicant will suffer significant harm; where the applicant could obtain, from an authority of the country, protection such that there would not be a real risk that the applicant will suffer significant harm; or where the real risk is one faced by the population of the country generally and is not faced by the applicant personally: s.36(2B) of the Act.

CLAIMS AND EVIDENCE

19. The Tribunal has before it the Department's file relating to the applicant. The Tribunal also has had regard to the material referred to in the delegate's decision, and other material available to it from a range of sources.
20. The applicant appeared before the Tribunal [in] January 2013 to give evidence and present arguments. The Tribunal hearing was conducted with the assistance of an interpreter in the Arabic and English languages.

Refugee Claim Statement [dated] February 2012

21. The applicant claimed that he was working for [Company 1] building an office for Prime Minister Hariri's Future Movement. Hizbullah members approached them, took their information and told them not to come back. The next day they were ordered back by Hariri's aide and the Hizbullah came at them with guns, an argument ensued, shots were fired at them and police then escorted them away from the site. Hizbullah members shouted threats at them that they would find them.
22. A few days later he learnt that Hizbullah was looking for him and he left the country. He claimed to fear being kidnapped and killed if he returned. He left Lebanon in 2007 to come to Australia.

He spent a few months in Australia, met his future wife and she followed him to Lebanon. He returned to Australia in 2009.

23. He fears that if he returns to Lebanon he will be tortured or killed by Hizbullah. They have come to his house and searched for him, and the Lebanese government is unable to provide him protection.

Departmental Interview [dated] June 2012

24. The applicant claimed that he used to work as a [contractor] for the Hariri companies and he was affiliated with Hariri's Future Movement and he began to be followed by the opposition in 2006/2007 because of this. He presented letters from his doctor but agreed to continue with the interview.
25. He could not recall the exact dates of his arrival and departure from Australia as his passport was stolen in 2011. He was not working in Australia and was supported by [church deleted: s.431(2)] in [suburb deleted: s.431(2)]. He first arrived in Australia in 2007.
26. In Lebanon he was a [supervisor] for [Company 1], which was owned by Rafiq Hariri. He moved to his sister's house in Beirut from late 2006 for five months once his problems began. He could not return to Lebanon and be protected because he has a problem with Hizbullah. In 2006 there was a demonstration close to where he was working, in support of Hariri. There were people stopping them from joining the march by pushing and hitting them, and taking photos of them. They fought with them and a fight broke out.
27. They reported the incident to the government but they took no action and he came to Australia in 2007 as people were showing his photo around asking his identity, religion and the like. The demonstration was approximately August 2006. They were part of the Future Movement and were acting as security guards, ensuring that people wouldn't encroach on people's properties. He was one of the organisers, as he belonged to the Future Movement. There were many people there, later clarified as 500-1,000 people.
28. He reiterated he was a member of the Future Movement and had joined in 2004 or 2005. There was no formal way of joining but he simply showed support and was affiliated with them. Prior to this, he was told by ([a friend of the applicant]) what to do. He was politically active because he helped organise voters by organising seminars. They discussed ways of helping each other and building the country. He claimed the Future Movement was organised by the Hariris and Fouad Siniora. Muhammad Hariri organised the protests.
29. During the demonstration, someone pulled out a gun and he restrained him and his many friends took out a camera and started taking photos. This occurred between [mid and end] October 2006. After this he was told that he had been followed. The person who pointed the gun at him belonged to Hizbullah – he knew this because of the questions they were asking about him; his car and phone type, where he lived and they solicited the help of Aoun's political party.
30. It was put to him that his original claim was okay but some dates were missing, and he may have forgotten something. It was put to him that the claim was different and he stated that he was recounting a different incident. The claim referred to an incident in 2008/09 where the tent city blockaded the square that contained his office. He was scared to give his ID, had weapons in the car and Hariri's adviser in the car. He tried to reverse but was blocked, the door was opened, he

was pushed and he took his gun out to fire in the air and they fired into his legs but missed. It was in 2008 but he could not remember the month.

31. It was put to him that this was different to his written claim, and he claimed that there were a number of incidents that happened to him. He then claimed that his friend may not have accurately written down what he told him. He was chased from 2006 until now, approximately five times for working for Hariri and the Future Movement. When this happened his friend was an important person in the party, but he was threatened with death from 2009 when he was in Australia.
32. He was concerned for his safety when he arrived in Australia but he had come with his wife and had no need to apply for protection. It was put to him that he had his 456 visa cancelled on arrival in Australia and then returned to Lebanon voluntarily. He claimed that he had a friend at the airport who was a general. Asked why he did not inform the DIAC officer regarding his concerns about Hizbullah at that time, he claimed his fiancé was with him and he didn't want to worry her. He then he didn't know he could claim protection. Asked why he had returned to Lebanon twice subsequently he claimed the government was on their side and he always had protection.
33. His relationship broke down in 2009. It was put to him that in an interview in 2011 he had told a DIAC officer he could not return because he could not sell his car and did not mention the fear. He claimed he didn't know English well, was afraid to tell people and couldn't go back. Asked why he had only mentioned these fears when he submitted the current protection application, he claimed he knew for certain that the government was Hizbullah.
34. He would be killed or kidnapped if he was to return because of the shooting and he was known to belong to the Future Movement. His history of return to Lebanon and timing of the lodgement of his protection, and lack of previous reference to Hizbullah interest in him were raised as concerns. He claimed that issues exacerbated once Hizbullah was in charge of the government.

RRT Hearing [dated] January 2013

35. The applicant was asked whether he was okay to proceed with the interview given his file contained a letter from a doctor referring to medical conditions. He claimed that he was fine to proceed with the interview. The applicant claimed that he feared being killed or kidnapped by Hizbullah in Lebanon, and was fearful of the people following him and asking him questions about him. He had no other claims.
36. He claimed he was in a demonstration in 2006/07 in Beirut and there was some verbal altercation with someone else in the demonstration. The other person appeared to be there to disrupt the demonstration. The applicant was a member of the Future Movement and was helping during the demonstration to provide protection to it. He saw someone pushing some people, the applicant approached him and was pushed by the person who also produced a gun. They were unarmed and he was taken away by his friends.
37. Following this, the young men from the demonstration began asking questions about the applicant. They had photos of the applicant and approached the organisers of the demonstration to ask about him. He left the country after four or five months. His family continued to tell him that these people were asking him questions.

38. He was in Lebanon between 2007 and 2008; he had friends in the airport who could protect him. In 2008/09 Hizbullah had a sit-in demonstration in downtown. He was in an office with a consultant for Hariri's [Company 1] that was located in downtown. On his way to the office there was a Hizbullah checkpoint on the corner of Massarif & Azariyyah streets. He was asked for his ID, he refused and a group of them crowded around him. He had a gun in the car because he was scared from the previous incident he had described.
39. There was shooting from both sides as the Hizbullah person was also armed with a pistol. No one was hit as he shot in the air and they shot down into the street. He claimed it occurred in 2008 but could not recall the date. Asked to recall the month he said it was in winter, and then claimed that it was approximately between August and October 2008. It was put to him that August in Beirut was warm, and he said it was winter so maybe it was six or four.
40. He claimed that the police then intervened, as he was on the edge of the square where Hizbullah was camping and no police entered the square. He claimed that he felt he would never be safe in Lebanon again. They were following him as Aounists started talking to his parents asking where he was, either inside or outside the country; they did this many times. Asked how they knew his parents address he said that they asked people.
41. He had not disclosed to his wife the trouble that he had. He agreed that the last time something had happened to him was around August 2008, and that the country had now fallen into the hands of Hizbullah. These were his only concerns.
42. Asked what his relationship with the Future Movement was, he claimed he was involved in construction and was involved in meetings. Asked what attracted him to them politically, he was vague, saying there was give and take. It was put to him that he was Maronite and the Future Movement was Sunni, so it was unusual that he wasn't with Lebanese Forces, Kataeb. He claimed that Hariri did not worry about religion. Asked to describe some of the Future Movement's policies, he claimed he felt they gave him hope and a future. He could not name any of their policies and it was just work that strengthened his bond with them.
43. Asked whether he voted in elections he said he did, and took a long time to recall that it was in 2000. He claimed he voted for Elie Hobeiqa, but could not recall what list he was on. He had not voted in any subsequent election. Asked why he had not given he was such a supporter of the Future Movement, he claimed he did not have anyone he wanted to vote for after Hobeiqa died. It was put to him that it was strange that he did not vote for the Future Movement list given he was such a supporter; he claimed that he had moved his registration. Asked why he didn't vote for the list in the new location he claimed that he didn't like to give his vote.
44. It was put to him that he claimed to have been so scared after the 2006 incident and yet did not leave immediately and, since arriving in Australia in 2007 he had returned to Lebanon five times which was not indicative of someone who was afraid of being killed or kidnapped by Hizbullah. He claimed that the Future Movement controlled all the country and that he knew a general at the airport who would greet him. Asked to name him, he claimed they were two generals; [names deleted: s.431(2)]. It was put to him that it was unusual there were two generals in the airport and he said one was from the police and one from security. Country information was put to him that part of the reason for the 2008 confrontation was government attempt to change the security at the airport which was under the control of Hizbullah. He claimed that Hizbullah did not control things until after 2009.

45. It was put to him that he arrived in Australia in March 2007 but did not claim protection until February 2012, nearly five years after arriving. He claimed that he had not wanted to frighten his wife and could now apply. His relationship broke down in March 2009. He claimed that he did not know he could claim protection in Australia. It was put to him that a simple internet search would reveal that he could, and that someone who feared being killed or kidnapped would be motivated to seek any opportunity. He then claimed that he felt he did not have to leave the country, and that Australia would not force him to leave.
46. It was put to him that the Tribunal had much experience in Beirut during the period in question and that the applicant's claim regarding the sit-in did not accord with the Tribunal's experience and that no country information to support the shoot-out claim or the existence of Hizbullah-manned checkpoints was evident. The sit-in concluded in May 2008 and he claimed that the incident occurred between August and October 2008 which was after the sit-in concluded. He claimed that what he had said really occurred.
47. Asked why Hizbullah continually asked his parents whether he was in Lebanon or not when they could find out where his parents lived and the fact that they could check immigration records. He claimed they wanted to scare his parents. It was put to him that they would not want to tip their hand if they wanted to capture him so would not want to let him know they were after him.
48. Asked why Hizbullah put so much effort into targeting him for a small incident in 2006 when he was a [tradesman] of no political significance. He claimed that he went to Rafiq Hariri's house a lot and had a profile, and could move things from the inside in the construction industry and get people jobs. They also made legal provisions against Hizbullah in the construction industry. It was put to him that he claimed to be so close to the Hariri movement and yet did not even vote for them. He claimed he organised voters for him and had taken an oath not to vote.

FINDINGS AND REASONS

49. The applicant is a [age deleted: s.431(2)] year old Maronite Christian from Lebanon. I have sighted his passport and accept that he has assessed Lebanon as the applicant's country of nationality (for the purposes of the Convention under s 36(2)(a)) and as the applicant's receiving country (for the purposes of the complementary protection criteria under s 36(2)(aa)). In his protection application he claimed that he left Lebanon for Australia in 2007, moved back to Lebanon and returned to Australia in 2009.
50. He claimed that he feared death or kidnapping by Hizbullah if he were to return to Lebanon. He made no other Convention-related claims for protection. His file contained letters from a doctor [dated] February 2011 [and] July 2011 that described him as suffering from anxiety because of his breakup with his wife and the refusal of his immigration applications. He was asked if he was fit to continue the interview and he agreed that he was.
51. In considering an applicant's account, undue weight should not be placed on some degree of confusion or omission to conclude that a person is not telling the truth. Nor can significant inconsistencies or embellishments be lightly dismissed. The Tribunal is not required to accept uncritically any and all claims made by an applicant.
52. I found the applicant's evidence regarding his claims to lack credibility. For reasons set out below I did not find the applicant to be a reliable, credible or truthful witness, and that he fabricated his claims in order to be granted a protection visa.

53. I accept that the applicant may have worked for a Hariri-owned construction company, but that this was as a sub-contractor. I do not accept that he was a member of the Future Movement, that he was close to the Hariris and had visited Rafiq Hariri's house, or that he had two altercations with Hizbullah members and that they were looking for him as a result.
54. I do not accept that the applicant was stopped at a Hizbullah checkpoint and that shots were subsequently fired during the opposition-led sit-in protest at Downtown Beirut. The applicant was vague as to when this occurred. He initially claimed that he could not recall the date, he said that it occurred during winter and when asked to be more specific then claimed that it was between August and October 2008.
55. Country information was also put to the applicant that the sit-in ended on May 21 2008¹, between three and five months before the incident he described occurred. He was also advised that the Tribunal could find no country information to support his claim of a shooting at the sit-in. The applicant could offer no information to support his claim but continued to claim that the incident occurred.
56. I do not accept that the applicant was involved in any way with the Future Movement. His background as a Maronite Christian supporting a Sunni political movement causes the Tribunal to question the veracity of this claim. This finding is supported by the vagueness of the reasons he gave for supporting the Movement, claiming that his work strengthened his bond with the Hariris and that there was give and take. He was unable when asked to name any of the Movement's policies, and admitted that he had never voted for any of its candidates.
57. I do not accept his claim that he would organise voters for them without voting himself and do not accept that he had taken a vow not to vote. Although country information indicates that it is difficult to change one's place of registration², I accept as plausible that the applicant was able to do this. That does not, however preclude the applicant from voting for the Future Movement electoral list so I do not accept this as a reason for not doing so. Given his lack of knowledge of the Movement's policies and unwillingness to vote for its candidates I find his claim to have been committed to the extent that he organised political demonstrations on the Movement's behalf to lack credibility. Given his lack of connection with the Future Movement and his low position as a sub-contractor in their construction business I do not accept as credible his claim that he went to Rafiq Hariri's house a lot.
58. Given I have not accepted that he is involved with the Future Movement, I also do not accept that he took part in protecting a Future Movement demonstration in 2006 or 2007. Because he did not take part I also have rejected his claim to have had an altercation with a Hizbullah member, been photographed and subsequently become the subject of a continuous search by Hizbullah members. This finding is supported by the fact that the efforts he claimed Hizbullah had put into looking for him, stretching over several years, were out of proportion to the minor altercation that he claimed occurred.
59. His willingness to return to Lebanon after he claimed that Hizbullah began looking for him, and his delay of nearly five years after entering Australia for the first time before he sought protection are not indicative of someone who fears being kidnapped or killed in Lebanon. The High Court held in *Subramaniam v MIMA* (1998) that even a three month delay in lodging a

¹ Deal for Lebanese factions leaves Hezbollah stronger, *New York Times*, 22 May 2008, <http://www.nytimes.com/2008/05/22/world/middleeast/22lebanon.html>, accessed 6 February 2013.

² 'The Election Law of 2000 and the Draft Law by the Boutros Commission', *Democracy Reporting International*, April 2008, p 27.

protection claim is a legitimate matter to take into account when assessing how genuine an applicant's fear of persecution is.

60. I do not accept that he failed to lodge an application because he did not want to frighten his wife by revealing the interest that Hizbullah had in him. Even when his relationship broke down in March 2009 he still failed to lodge an application for another three years. I do not accept that he failed to do so during this period because he did not know that he could, or that he would not seek to find out what protection measures were open to him given the level of fear he claimed to feel.
61. I do not accept his claim that he was able to return because the Future Movement controlled the country and he knew two generals at the airport who would greet him on return. Country information was put to him that airport security had been in the hands of a pro-Hizbullah officer³ at the time he claimed to have returned and that the Hizbullah-aligned general's association with Hizbullah was one of the causes of the 2008 confrontation. I do not accept his claim that Hizbullah did not control things until 2009. Country information cited does not support this claim, and there is no independent information before that would support his claim that the two generals he named were part of Rafiq Hariri airport security, nor was any provided by the applicant.
62. Because I do not accept that he has been involved in any incidents involving Hizbullah, I do not accept they have come to his house to search for him or enquired of his parents as to his whereabouts or that that he would be tortured or filled on return to Lebanon.
63. Having considered the applicant's evidence both individually and cumulatively, for the reasons set out above the Tribunal finds that the applicant does not have a well-founded fear of persecution for any Convention reason.

Complementary Protection

64. Having regard to the applicant's circumstances and in light of the factual findings made above I do not accept that the applicant was involved with the Future Movement, had any altercations with members of Hizbullah or was of interest to them and I am not satisfied that there are any substantial grounds for believing that there is a real risk of significant harm on the basis of these claims as outlined in the complementary protection criterion in s.36(2)(aa).
65. Therefore, I do not accept that there are substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to Lebanon, there is a real risk that he will suffer significant harm.

CONCLUSIONS

66. The Tribunal **is not** satisfied that the applicant is a person in respect of whom Australia has protection obligations under the Refugees Convention. Therefore the applicant **does not satisfy** the criterion set out in s.36(2)(a).
67. Having concluded that the applicant does not meet the refugee criterion in s.36(2)(a), the Tribunal has considered the alternative criterion in s.36(2)(aa). The Tribunal **is not** satisfied

³ Obeid named acting security chief of Rafik Hariri airport, *The Daily Star*, 23 August 2011, <http://www.dailystar.com.lb/News/Politics/2011/Aug-23/Obeid-named-acting-security-chief-of-Rafik-Hariri-airport.ashx#axzz2Jyg0zGaW>, accessed 6 February 2013

that the applicant is a person in respect of whom Australia has protection obligations under s.36(2)(aa).

68. There is no suggestion that the applicant satisfies s.36(2) on the basis of being a member of the same family unit as a person who satisfies s.36(2)(a) or (aa) and who holds a protection visa. Accordingly, the applicant does not satisfy the criterion in s.36(2) for a protection visa.

DECISION

69. The Tribunal affirms the decision not to grant the applicant a Protection (Class XA) visa.