

DECISION RECORD

RRT CASE NUMBER: 060883850

COUNTRY OF REFERENCE: Bahrain

TRIBUNAL MEMBER: Wendy Boddison

DATE DECISION SIGNED: 25 January 2007

PLACE OF DECISION: Melbourne

DECISION: The Tribunal remits the matter for reconsideration with the following directions:

- (i) that the first named applicant satisfies s.36(2)(a) of the Migration Act, being a person to whom Australia has protection obligations under the Refugees Convention; and
- (ii) that the second named applicant satisfies s.36(2)(b)(i) of the Migration Act, being the Relative of the first named applicant.

STATEMENT OF DECISION AND REASONS

APPLICATION FOR REVIEW

This is an application for review of decisions made by a delegate of the Minister for Immigration and Multicultural Affairs to refuse to grant the applicants Protection (Class XA) visas under s.65 of the *Migration Act 1958* (the Act).

The applicants, who claim to be citizens of Bahrain, arrived in Australia and applied to the Department of Immigration and Multicultural Affairs for Protection (Class XA) visas. The delegate decided to refuse to grant the visas and notified the applicants of the decision and their review rights.

The delegate refused the visa application on the basis that the applicants are not persons to whom Australia has protection obligations under the Refugees Convention.

The applicants applied to the Tribunal for review of the delegate's decisions.

The Tribunal finds that the delegate's decision is an RRT-reviewable decision under s.411(1)(c) of the Act. The Tribunal finds that the applicants have made a valid application for review under s.412 of the Act.

RELEVANT LAW

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. In general, the relevant criteria for the grant of a protection visa are those in force when the visa application was lodged although some statutory qualifications enacted since then may also be relevant.

Section 36(2)(a) of the Act provides that a criterion for a Protection (Class XA) visa is that the applicant for the visa is either:

(a) a non-citizen in Australia to whom the Minister is satisfied Australia has protection obligations under the Refugees Convention as amended by the Refugees Protocol

or

(b) a non-citizen in Australia who is the spouse or a dependent of a non-citizen (i) to whom Australia has protection obligations under the Refugees Convention and (ii) who holds a protection visa.

Further criteria for the grant of a Protection (Class XA) visa are set out in Parts 785 and 866 of Schedule 2 to the Migration Regulations 1994. Under those provisions, family members are derivatively entitled to a protection visa on the alternative basis that they are members of the same family unit as an applicant who is found to be a refugee: *Munkayilar v MIMA* (1998) 49 ALD 588 at 592-593, *Mijoljevic v MIMA* [1999] FCA 834 at [14]-[18], *Dranichnikov v MIMA* (2001) 109 FCR 397 at [22]-[23], *MIMA v Shtjefni* [2001] FCA 1323 at [17].) However, all applicants must satisfy the remaining criteria.

Definition of ‘refugee’

Australia is a party to the Refugees Convention and generally speaking, has protection obligations to 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.

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 and *Applicant S v MIMA* (2004) 217 CLR 387.

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.

There are four key elements to the Convention definition. First, an applicant must be outside his or her country.

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.

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. However the motivation need not be one of enmity, malignity or other antipathy towards the victim on the part of the persecutor.

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.

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 persecution 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.

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.

Whether an applicant is a person to 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.

CLAIMS AND EVIDENCE

The Tribunal has before it the Department's file relating to the applicants. The Tribunal also has had regard to the material referred to in the delegate's decision, the material contained in the applicant's siblings' files and other material available to it from a range of sources.

The applicants appeared before the Tribunal to give evidence and present arguments. The Tribunal also received oral evidence from the applicant's Sibling L and Person O. The applicants were represented in relation to the review by their registered migration agent who attended the Tribunal hearing.

As only the first-named applicant has made Convention claims, for convenience the Tribunal will refer to him as the applicant.

The applicant is aged in his twenties and was born in Village J, Bahrain. He is a Shiite Muslim. He had previously travelled to Mecca. The applicant completed a number of years of schooling in Bahrain. [information about the applicant's history deleted in accordance with s.431 as it may identify the applicant].

The applicant claimed that he left Bahrain as he was scared of the government officials who had been persecuting him and his family after he had been involved in peaceful demonstrations. He had been in hiding since attending a peaceful protest in the early 2000s. He had fled because he believed that once he was seized by the government officials he would be harmed. He also feared for the safety of his wife. The applicant was a Shia Muslim. Shias were in the majority in Bahrain, but the political system was governed by Sunni Muslims. Shias were discriminated against and there had been a drive by the government to increase the Sunni population and Sunni people had been sponsored to migrate to Bahrain and granted citizenship. Shia people rarely gained employment in government departments, and if they were able to obtain such employment they were never promoted. Shiites were allocated to certain villages where only Shiites resided.

The applicant claimed there was no freedom of religion or association in Bahrain. Shia people were not permitted to practise their religious values. Although mosques existed for Shiites to attend, the practise of any ritual which was specific to Shiite methods was subject to severe punishment. Any rituals, such as Ashura, or any other peaceful religious demonstration which was specific to Shia methods, would result in the police entering the mosques and shooting and beating the participants they found there. Any Shiite gathering of more than five people, whether religious or otherwise, was considered sufficient reason to kill the people in the gathering.

Between 1994 and 1998, Shiites were not allowed to be outside their homes in the evening. The police went through the streets of Shiite villages and shot anyone who was not inside their home. This practice continued and Shiites were not allowed to be outside their homes once the sun was set.

The Freedom Movement of Bahrain developed a protest against the discrimination and oppression of Shia people. The applicant had been a participant in many peaceful demonstrations over the past several years. Opposition or dissent aimed at the government was not permitted. Civil liberties and political freedom were actively crushed. In the early 1990s the security forces commenced brutally beating and killing protesters. The applicant's Sibling L was involved in a peaceful protest and he fled to City E and from there he went to Country B. The applicant's, Sibling M, was also arrested.

In the mid-1990s the applicant was seized by the government officials and harmed and detained for several months. In the late 1990s the government officials came to his home looking for him, but they only kept him for a short time so they could harm him.

An important Shiite Sheikh came to Bahrain. The Sheikh had criticised the Bahraini government and he was seized as soon as he arrived at the airport. A large group of Shiite people were there to welcome him at the airport and they were all harmed. Most of them were taken into custody, and detained.

A peaceful protest was arranged because those people who were taken from the airport were still not released and they had not been charged with any offence. Permission was sought and granted from the Ministry of Interior for the protest to take place. Ten minutes prior to the intended conclusion of the protest, the government officials arrived and set upon the group of protestors. The government officials fired tear gas into the group, as well as rubber bullets. The protestors were terrified and forced to move to a nearby shopping precinct, where they sought refuge. The government officials followed the protestors to the shopping precinct, where they harmed many of the protestors. The applicant fled through one of the doors and went to another village before returning to his home. A few days later he read in the newspaper that the protestors were accused of causing damage to the shopping precinct. It was routine practice that government officials videotaped demonstrations to identify the participants. Some days after the demonstration the government officials came to the applicant's home and tried to break down the door. The applicant took his wife to his Relative B's home, where he sought refuge. He left his Relative B's home a few days later and stayed with a friend. The applicant contacted a friend and asked for his help to leave the country. The applicant remained in hiding until he left Bahrain, and during that time the government officials continued to look for him and told his family that he must report to them. In Bahrain it was common for government officials to seize the wife of the man they wanted. For this reason, the applicant had been afraid for the safety of his wife. The applicant claimed he had not been able to talk to any of his relatives in Bahrain since he had

left. He feared that the government officials were monitoring the telephone calls of his relatives.

The applicant also provided to the Department country information regarding the arrest of human rights defenders, the use of force at demonstrations in the early 2000s, a number of reports regarding the former Director General of Security and Head of the State Investigation Department who was a British national, a Human Rights Watch Report regarding the amendment to the Public Gatherings Law, and other reports advocating that people should be brought to trial for the torture that was undertaken in the 1990s in Bahrain.

The Tribunal received from the applicant's advisers a Statutory Declaration by the applicant, a submission, and an article entitled "Conspiring against the Shia of Bahrain", Bahrain Centre for Human Rights, 1 November 2006.

The applicant in his Statutory Declaration expanded on the claims in his protection visa application. He claimed that his family had been vocal and consistent in the rejection of the government's policy of oppression against the Shia for a number of years. He commenced his involvement in protests when he was in his early teens. His older siblings took him to protests. The protests commenced around the mid-1990s as the unrest grew amongst the Shia population in Bahrain. He claimed that for several years, commencing in the mid-1990s, it was too dangerous for them to go out after dark in the area where he lived in Bahrain. The applicant's siblings and relatives were all involved and attended protests regularly, which were held in districts and villages all over Bahrain. Almost every night people would come out in protest. On many occasions the government officials broke into the applicant's home at night and questioned him or his siblings. Mostly when they spoke to the applicant, they were asking him about his Sibling L. After a while, the applicant's siblings started staying away from home. They stayed in different houses or sometimes on a fishing boat on the nights following demonstrations. On several occasions the applicant's siblings and relatives were arrested and put in prison. In the 1990s the applicant's Sibling M, was arrested. The government officials believed that he had been in a demonstration because he had an injury. He was detained and held for several months. (There was a mistake in his initial statement, where it indicated he had been held for a few years.) Sibling M had never fully recovered from harm he suffered while detained. In early mid -1990s, the applicant's Relative C, was taken for questioning as he had been involved in the organising of protests and the printing of documents. He was detained for several years. Shortly after this, in the mid-1990s, the applicant's Sibling L was arrested and held for several months. He was released and then arrested again and held for several weeks before he fled Bahrain for City E via Country A. Sibling L had been arrested on many occasions prior to this and often questioned by the authorities.

The applicant was arrested in the early 1990s and late 1990s. On the first occasion the applicant had been to a demonstration in Village J about the treatment of Shias, and in the days before he was arrested he had been distributing pamphlets advertising the demonstration. A few nights after the demonstration the government officials came to his home. They were looking for the applicant because they had found out he had been distributing pamphlets and thought he had helped to arrange the demonstration. He was taken to government facility and was interrogated and asked questions about his sibling. He was detained for roughly several months. Several months after the applicant was released, his Sibling N was arrested. Sibling N was in the early teens at this time and had been attending demonstrations. Sibling N and the applicant's Relative D were known for making trouble. They were detained up for several years. When this occurred, it scared the applicant

and he ceased going to demonstrations for a short while, but later on he resumed. Like his siblings had done before, he moved around and stayed at different places or at his sibling's house. In the late 1990s, after Sibling L left Bahrain, they were visited by the authorities and asked about his whereabouts. The applicant was harmed when he was questioned. About several months later the applicant was arrested. He had not been involved in any demonstrations that day although there had been several demonstrations in the surrounding area. The applicant found out the reason why they came was because Sibling L had escaped to City E. The applicant was harmed and interrogated. They kept him overnight, but let him go the next morning.

Between the late 1990s and the early 2000 the situation in Bahrain calmed down a bit. The applicant decided to try and study and enrolled in university to do a course. After some time however the applicant had to cease his studies as he could not handle the pressure, with his Sibling N being detained and his Sibling L having left the country. After the applicant ceased studies he tried to get a job, but found it very difficult because he was a Shia

The applicant claimed that following the protest at the shopping precinct the government officials came looking for him. The applicant was living at his parents' house with his wife and they stayed home until several days after the protest. He heard the government officials coming to the door and calling out for him, so he and his wife left the house through the window and climbed up to his Relative B's apartment, which was in the same building. They stayed with his Relative B for a couple of days before they went to a friend's house. The applicant claimed his family had been involved in many protests. His siblings and relatives had been arrested and detained for significant periods. There had always been problems for his family. In the last few years they had been visited by the government officials, but they had learned to stay away from the house when it was likely the government officials would come. The government's treatment of Shias went in waves. Sometimes it was better and sometimes it was worse. Since, and even before, the shopping precinct riots, a lot of people had been arrested and the government was cracking down hard again. In addition, in the lead up to the demonstration, the applicant distributed pamphlets and spread the word around his Village J about what was happening. He wasn't directly involved in the organisation of the protest, but was in contact with people who had something to do with this organisation. The applicant believed the government targeted him because he was recognised to have been involved before.

Further, the applicant indicated that his family had some property on which they grew produce which they had owned. The Sunni government had come and taken their property. They tried to challenge the matter in court, but they did not have enough money. The applicant reiterated how difficult it was for Shiites to obtain government employment or employment generally. He also claimed that the authorities raided peaceful religious festivals and broke up celebrations, shooting rubber bullets and tear gas. The applicant also explained that his wife's family were also well-known activists. His wife's sibling and relatives had detained.

The applicant's advisers submitted that the applicant had a well founded fear of persecution for reasons of his political opinion (he had been involved in a number of anti-government protests and had been questioned on a number of occasions and had spent time being detained; he was a member of a family well-known for its political views) and for his religion. They outlined the applicant's claims and provided country information in support of the applicant's claims.

Evidence at the hearing

Person O gave evidence that he had consulted with the applicant and his wife on several occasions. Person O had seen them on a regular basis. In his view, the applicant was suffering from post-traumatic stress disorder, together with mixed anxiety and depression. Person O had made the same diagnosis in relation to the applicant's wife, but to a lesser extent. The applicant's symptoms were characterised by sleep disturbance, diminution of short-term memory, a degree of cognitive impairment, particularly in relation to the ability to process new information. The applicant relived the past and had flashbacks, and often woke after having nightmares of a similar nature to the flashbacks. In relation to the depression/anxiety, the applicant had difficulty controlling his moods, and he became upset, angry and frustrated. He was treated with a number of medications. The applicant's wife's diagnosis was more in response a reaction to the applicant's complaints. She had not been directly or personally beaten or tortured, but the wife's condition was caused by the observations of what had happened to the applicant. The diagnosis of post-traumatic stress disorder did not require the trauma to have happened directly to the person; it was sufficient if they had observed it happening to someone close to them. She had a similar group of symptoms; sleep disturbance, flashbacks and nightmares. Possibly because of the gender difference, her anxiety and depression was more expressed in the depressive end of the spectrum, and she was very quiet and sad, and was not prescribed any medications at the current time. It was Person O's view that the applicant had a resilient personality, and should recover well after therapy. It was his view that the applicant's strength of personality, which would assist in his recovery, was also reflected in the passion with which he followed his political beliefs.

The applicant gave evidence that his Relative E and Relative F returned to Bahrain after visiting Country B about several months previously. He was in contact with them through Internet and email. He was concerned about talking to them over the telephone in case it was being monitored. His Relative E informed him that the government officials were still searching for him and conducting raids upon the home. They questioned his Sibling L and threatened them. He understood that his elder sibling was taken into custody some days before, but he had not heard from his family yet to know what happened to him. The person that organised for the applicant to come to Country B told him that it would look better if he travelled in a larger group, and this was why his Relative E and Relative F accompanied him to Country B. They returned to Bahrain, because the authorities were looking for the applicant; they were not after his Relative E and Relative F. He, however, was concerned about their safety back in Bahrain, and he talked to them about applying for asylum, but it was their decision not to do so. His Relative F wanted to return to her studies in Bahrain, and his Relative E was elderly.

The applicant participated in one demonstration in the early 2000s. He was asked why only one demonstration and why not more. He said that after the demonstration, he did not participate in any other demonstrations because he was in hiding from the authorities, and there weren't really any other demonstrations prior to this.

The applicant took part in a number of demonstrations.

The first demonstration was in Al Sitra on 25 March 2005. Al Wifaq organised this demonstration. It was a very large demonstration involving thousands of people, and it was

the biggest one that the applicant could remember. The second demonstration was in May in Senabis. This demonstration and the third demonstration were organised by a coalition of the four political opposition groups which the applicant named. This was also a very large demonstration involving thousands of people, but not as large as the first one. The third demonstration was in City F. It was also a large demonstration. The protest went for several hours. At the first protest the government officials came but did not interfere, and at the other two protests, the applicant did not see the government officials there. Nobody was arrested at any of these demonstrations. However, several people were involved in the demonstrations were held afterwards because they had a web site, where they discussed what had occurred at the demonstration. It was put to the applicant that there was the demonstration in the early 2000s, and he said he couldn't honestly remember; it mustn't have been a major demonstration. He said he did participate in the early 2000s. [information about the demonstrations' history deleted in accordance with s.431 as it may identify the applicant]. The applicant named the demonstrators at the shopping precinct protest, and he indicated that they were mostly relatives of those who had been arrested at the airport. He was asked why the demonstration was held early in the year, given that the arrests took place late in the year. He said it was because the government gave no clear intention of what they were going to do, whether they were going to release them. The people had waited several months, and they were fed up, and they realised that there were delays in the process and they weren't going to be released, so they organised the demonstration. At the same time, there was some news that they were going to be sent for trial, and they were accused of causing damage at the airport, which was something new that hadn't been alleged before.

The applicant claimed he was involved in handing out flyers to people advertising the demonstration, as well as when the trouble started, he assisted the women to go inside the shopping precinct. The applicant was not there at the beginning of the demonstration, and at first it was peaceful. He said that he was late arriving because, due to work commitment. He said within a short time after the riot ended, government officials commenced firing rubber bullets at the crowd. The applicant believed that the demonstration started in the afternoon. He was asked whether there was permission to hold the demonstration, and he said he understood that the demonstration was allowed. However, there were actually two demonstrations that day, one in the morning and one in the afternoon. Subsequent to the demonstration, the government claimed that only the one in the morning had been allowed. There were a very large group of people at the demonstrations, and they were holding banners and chanting slogans. They were also chanting slogans criticising the Prime Minister. When the government officials started firing bullets, the applicant helped the women and children into the shopping precinct. Some people outside were being harmed by the government officials. These people ran inside, and then the government officials followed them inside, and they were harming people, even those people who were just shopping. The applicant was asked how the injured people got out of the shopping precinct. And he said the Minister for State came down and negotiated with the protestors, and the applicant named the people who negotiated on behalf of the protestors. Those that were injured were allowed to get away. The applicant managed to leave this shopping precinct prior to the government officials surrounding it. He understood that some people were arrested. He did not know any of those who were arrested, but he was aware that Musa Abd Ali was amongst those arrested, and he was someone who was a prominent activist, and he was with the Committee for the Unemployed. The people that were arrested were sent for trial. The applicant had recently heard that all but a few of them had been released after several months. They were harmed whilst in detention. The applicant did not hear about a

demonstration that took place the following day. He said it must have been a small demonstration.

The applicant was asked why the authorities wanted to arrest him after this demonstration. He had told the Tribunal he had participated in several large demonstrations in recent times, yet they had not pursued him after these demonstrations. Further, there were a very large group of people who weren't arrested at the demonstrations. Were they all being pursued as well? He said that the situation had changed, that the government was trying to quell the people, and the incident at the airport had shown a move by the government towards repression. The applicant was asked why he thought he was wanted by the authorities. He responded they came to arrest him days after the demonstration. He honestly did not know whether they still wanted. But the government officials were still coming, and his family had informed him that they believed that they had a piece of paper that was probably a warrant. He did not know whether anybody else was being pursued. The applicant explained when the Bahrain Human Rights Centre had been closed down, what the reasons for its closure were, and what happened to the leader of it. He explained who was in charge of the Committee for the Martyrs and Victims of Torture. He described what activities they were involved in, and when the incidents occurred.

The applicant confirmed that he was detained and held for several months. He was arrested detained again and held overnight. He believed that he was released in the late 1990s. The applicant participated in a lot of demonstrations. He confirmed that he was studying. He confirmed that he initially kept a low profile when his sibling was detained, but then he later resumed participation in demonstrations. It was put to him that the Tribunal understood that Shias were discriminated against in Bahrain, but he appeared to be someone who had commenced studying, and his sibling was also studying. This indicated that he was doing quite well for a Shia. He responded that he had worked hard.

He described the differences in the beliefs between Sunnis and Shia. He confirmed that he attended the mosque in Bahrain, and that he took part in Ashura ceremonies. He did not go to the mosque in City G. He explained that, as far as he was aware, there was no Shia mosque in City G.

The applicant stated that, although the government had indicated that it was giving greater human rights to people in Bahrain, the reality was something different. They just wanted to demonstrate to the outside world that they were reforming, but in reality they still suppressed demonstrations, and the people were angry when they imposed Degree 56. They still committed human rights abuses and tortured people. They did not detained people as often as they did in the past. However, people were now attacked in the streets, and when they complained to the government officials, the government officials refused to believe that anything like this could happen. He referred to the matter of Musa Abd Ali from the Committee of Unemployed, who was kidnapped the night before a demonstration and sexually abused by the government officials, and the government denied that this had ever happened. He also indicated that, as a Shia in Bahrain, he had felt discriminated against ever since he was at school, and that at school they taught the Sunni religious studies but not Shia religious studies.

The applicant's wife gave evidence that they had married in the early 2000s. She had travelled to City H to visit sacred Shia sites. She had not taken part in demonstrations. She gave consistent evidence to the applicant's statement regarding where they lived prior to

coming to Country B, the method by which they escaped from the government officials, and how long they lived at the Relative B's house.

The applicant's Sibling L, gave evidence that he had been in Australia for more than several years. [Information about the applicant's history deleted in accordance s.431 as it may identify the applicant] He was initially refused a Temporary Protection Visa by the Department of Immigration, but was recognised as a refugee by the Tribunal, and he was given a Permanent Protection Visa after three years by the Department. He confirmed that he had been detained in Bahrain. He said the longest period was several months, but he was regularly questioned by the authorities. [Information about the applicant's history deleted in accordance s.431 as it may identify the applicant] He then described the discrimination that the Shias suffered in Bahrain. He also claimed that the Bahrain government's claims that they were reforming the situation were not true, and it was just to please outsiders.

Independent Country Information

The background regarding the treatment of Shiites in Bahrain is set out in the International Crisis Group 2005 report, Bahrain's Sectarian Challenge, Middle East Report No 40, 6 May which states at p 2:

B Bahrain in revolt

The clashes and unrest began in late 1994 in Shiite villages outside the capital, Manama. The root causes were wide-ranging: authoritarianism; the absence of basic civil and political rights; extensive anti-Shiite discrimination; corruption and favouritism within the ruling family and among those closest to it; a repressive and largely foreign-staffed security apparatus; and a stagnant economy. Shiites formed the bulk of protesters, although Sunnis embraced the goal of returning to the 1973 constitution and holding national assembly elections, and helped organise pro-reform petitions signed by tens of thousands.

The government's response was brutal. Thousands of demonstrators were detained, and opposition leaders were exiled. In turn, dissident groups from outside the country, notably the London-based Bahrain Freedom Movement (BFM, Harakat Ahraar al-Bahrain al-Islamiyya) and a resurgent Islamic Front for the Liberation of Bahrain (IFLB, al-Jabha al-Islamiyya li Tahrir al-Bahrain) based in Iran. The next several years saw an escalating cycle of repression and violence -- including burning tyres, stoning police, and using cooking gas canisters as makeshift bombs. While the violence eventually subsided, it continued at a low level until 1999. The most deadly attack occurred in early March 1997, when five Bangladeshi workers were killed in a restaurant bombing. Security forces, mostly recruited from the Balochi area of Pakistan, with officers from Jordan and other Arab countries, laid siege to villages and raided the homes of reputed activists. Thousands of Bahrainis were arrested and tortured.

What dialogue existed between opposition and regime was fruitless, as the government detained without charge or trial, and often in solitary confinement, key opposition interlocutors, such as Sheikh Abd al-Amir al-Jamri and Abd al-Wahhab Hussein. Those who signed reform petitions, whether Shiite or Sunni,

faced official retribution ranging from harassment and employment blacklisting to detention and ill treatment. Considerable ill-will persists today in many Bahraini communities, particularly in the Shiite areas, where arrest, harassment and torture were commonplace. There is little satisfaction that past grievances have been resolved.

At page 3 the report outlines the current situation in Bahrain:

C Signs of an approaching breakdown?

Clashes between the government and its critics escalated throughout 2004, disrupting a period of relative calm. Symptoms of frustration with the government escalated, with some mimicking the pre-uprising patterns common in the mid-1990s. Most dissent activity continues to be peaceful, and most opposition figures insist on peaceful dissent. But the behaviour of even the non-violent opposition movement has become gradually more assertive, including writing petitions, holding conferences to challenge government stances, and organising public demonstrations. For their part, security forces have resorted to increasingly heavy-handed tactics.

The most dramatic extended episode unfolded in September and October 2004. On 25 September, a day after he denounced the prime minister, considered by many to be corrupt and abusive, Abd al-Hadi al-Khawaja, a prominent human rights activist, was arrested. In the weeks following, his supporters called for public demonstrations, some of which drew as many as 3,000-4,000 people. Several events turned violent and included incidents of aggression against police; Molotov cocktails were tossed during a march from a Shiite mosque on Manama's busy Palace Road. On 20 October a protest of over 100 people, mostly young men from nearby Shiite villages, threw rocks at police and attempted to storm a court session in Manama. The police responded with tear gas. Nine days later, another demonstration in which tempers flared was broken up by riot police, who fired rubber bullets and tear gas.

One organiser claimed that it was difficult to restrain the crowd given its mounting frustration. During a visit to the Shiite village of Sitra, a cramped suburban slum home to 65,000, a resident told Crisis Group that "we would like to achieve change peacefully, but if it has to be violent, we will pay with bloodshed". Dozens of Crisis Group interviews in poor villages and elsewhere revealed that such sentiments were widely shared and that most who held them fully expected, though they did not welcome, more unrest.

At the time, resident observers worried that a crisis was in the making. One commented that "the al-Khawaja affair came close to putting things over the top". Opposition leaders were fearful as well. In October 2004, several high-profile opposition figures visited Shiite villages to urge radicals to refrain from violence. While a larger conflagration ultimately was avoided, the ingredients of a more serious conflict are present since the underlying issues remain unresolved.

...

On 25 March 2005, a week before Bahrain hosted thousands of visitors for a Formula One automobile race, the island's main Shiite political association, al-Wifaq (Jama`iyyat al-Wifaq al-Watani al-Islamiyya), defied a government ban and carried out a massive demonstration in Sitra calling for constitutional reform. Tens of thousands turned out in defiance of the government order. The minister of the interior threatened legal action against the organisation and suggested he would seek its temporary and perhaps permanent closure. Opposition leaders told Crisis Group they feared the government might also seek to arrest members of the organisation.

Framing the combustible mix is its increasingly sectarian character. The fallout over al-Khawaja's arrest thrust him into Shiite stardom. Bahrain's Shiites saw it as specifically sectarian in character and an affront to them and their interests. Details of the tension, particularly the resort by some Shiite groups to more aggressive tactics, also underscore the fragile nature of the moderate leadership's grip on a restive community. Opposition leader Dr Abd al-Aziz Abul emphasised that "the water is boiling and militants within the Shiite community are losing patience", threatening moderates like popular leaders Sheikh Ali Salman president of the Shiite al-Wifaq Islamic Society). The cleric Sheikh `Isa Qasim. Hassan al-Mushaymi`, a former political prisoner and vice president of al-Wifaq, suggested that a breakdown in the moderate opposition, either from government pressure or from below, would lead to the emergence of more radical organisations or compel even moderate forces to escalate their tactics.

Other reports indicate that there continues to be unrest and ill-treatment of protesters in Bahrain. Bahrain: Pro-Democracy Activists Detained Human Rights Watch 17 May 2004 <http://hrw.org/english/docs/2004/05/17/bahrai8588.htm> accessed 21 November 2005 also Cisnet CX94736 states:

In September 2004, 20 Individuals were arrested for collecting signatures on a political petition calling for constitutional amendments that would give greater legislative authority to the Kingdom's elected assembly. Human Rights Watch notes:

On the morning of May 6, according to the independent Bahrain Center for Human Rights (BCHR), security forces raided the homes of five other petition activists, confiscated computers and documents and took the five into custody. Authorities also detained and charged the spokesman for a defense committee for the detainees. He and several others have been freed on bail, but 11 remain jailed, many of them now in their third week of detention. ...Those arrested reportedly face charges of instigating hostility to the government, publishing false information and violating the prohibition against gatherings of five or more persons without authorization.

Amnesty International Public statement 11/003/2005 9 public) 19 July 2005 <http://web.amnesty.org/library/print/ENGMDE110032005> (accessed 21 November 2005)m states:

On 15 July 2005 a group of 15 people, including five women, and two leading human rights activists, 'Abdul Hadi al-Khawaja and Nabeel Rajab, of the dissolved Bahrain Centre for Human Rights (BCHR), arrived at the scene of a

planned demonstration against unemployment. The authorities had reportedly been informed of the demonstration a week earlier. However, before all demonstrators had gathered security forces charged at the 15, and others who had joined them, beating them. A total of 32 people were said to have been beaten and needed hospital treatment. Nabeel Rajab is said to have sustained a fractured arm, a head injury and a broken finger while others suffered bruising on various parts of their bodies. No arrests were made.

During a similar demonstration in front of the Royal Court in Rifa'a on 19 June 2005 security forces violently dispersed 50 peaceful demonstrators and arrested 30 of them before releasing them the same day without charge. In a letter to the Minister of Interior, Shaikh Rashid bin 'Abdullah bin Ahmad Al Khalifa, dated 24 June 2005, Amnesty International called for an inquiry into the beatings to be carried out, for the findings to be made public and for members of the security forces suspected to have used unnecessary force to be brought to justice. No response has been received by the organization

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<http://hrw.org/english/docs/2005/07/22/bahrai11401.htm> accessed 21 November 2005 states:

Hassan `Abd al-Nabi, an activist with the Public Committee for the Unemployed, told Human Rights Watch that security forces pulled him and others from a car as they approached the demonstration assembly point, beat them with batons, and told them to leave the area and not return. `Abd al-Nabi said he and his companions subsequently filed complaints with the Public Prosecutor. The next day, he said, a plainclothes security officer approached him as he was leaving his home and asked him to come with him. When `Abd al-Nabi declined, the man forced him into an unmarked black GMC van, where he was hooded and driven to an unknown location. There, he said, several officers beat him and threatened further harm if he continued his activities with the committee. They then dropped him off on a main road. After visiting a hospital for treatment, he returned home to find that the premises had been searched and trashed.

In recent months, the government has taken measures to halt the activities of several organizations critical of government policies. On July 4, the government suspended for 45 days the Islamic Action Society, a legally recognized group, after speakers at a public event sponsored by the society the previous week made remarks critical of the government.

In September 2004, the government ordered the closure of the independent Bahrain Center for Human Rights, after `Abd al-Hadi al-Khawaja, the group's president, publicly criticized Prime Minister Khalifa Al Khalifa. In early June, Social Affairs Minister Fatima al-Balushi told the press that she had written to the Public Prosecutor to urge legal action against al-Khawaja and Rajab, who continued to organize activities using the Center's name

A 2004 Freedom House Report, "Countries at the Crossroads: A survey Of Democratic Governance: Bahrian" (Cisnet CX121953) noted that:

Political liberalization in the island-nation of Bahrain has ground to a halt in recent months, and the political process is threatened by the danger of a new

form of authoritarianism. Key provisions of the Amended Constitution of 2002 greatly reduce the role of the elected legislature in public policy making, while significantly augmenting the powers of the king. Moves to reconfigure electoral districts and grant full voting rights to a select group of non-Bahrainis whose continued residence in the country is contingent upon their positions in the armed forces and intelligence services have effectively diluted the electoral process and skewed it sharply in favor of pro-regime candidates. A highly restrictive Press and Publications Law remains in force, despite the fact that the courts have tended to be lenient in imposing punishment on journalists charged with breaking its provisions. Harassment and discrimination against those who publicly criticize the regime, particularly among the country's disadvantaged Shia population, remain pervasive. Political parties continue to be illegal. Labor unions have been permitted to form once again, after being banned in the wake of a wave of worker activism during the 1970s, but are prohibited from engaging in any activity that might be construed by the authorities as political in nature.

Significantly, the reforms introduced during the wave of liberalization that swept the country from 2000 to 2002 have not been firmly institutionalized. Political prisoners have been released, and individuals who were dismissed from their government and university posts during the 1994–99 uprising have been reinstated. Peaceful popular protests no longer prompt excessive force on the part of the police, and the range of political expression is gradually expanding. Yet crucial elements of the judicial process continue to be opaque and unpredictable and are applied unequally and inconsistently. Different types of civic organizations and popular societies are regulated in different ways. Members of the ruling family enjoy prerogatives that place them largely outside the law. High-ranking officials suspected of corruption or egregious violations of human rights are shielded from prosecution. Prospects for greater democratization, therefore, depend almost entirely upon the continuing good will of the king and his allies

Moving backwards in Bahrain Middle East International 8 July 2005 Cisnet CX128934 states:

Bahrain's beleaguered experiment in political reform has suffered a number of blows in recent months. On 5 May 2005, Abd al-Hadi al-Khawaja, the former executive director of the banned Bahrain Centre for Human Rights (BCHR), gave a talk at the US-based Carnegie Endowment for International Peace, where he warned that sectarian discrimination and economic disparities were threatening to return Bahrain to the strife-torn days of the 1990s.

One might expect a degree of exaggeration from a human rights advocate who, just six months earlier, had been arrested, convicted and sentenced for provocative criticisms of the government, but similar charges were directed at Bahrain from several different quarters during May.

On 3 May, the Paris-based Reporters sans Frontières issued its Worldwide Press Freedom Index for 2004, which ranked Bahrain a dismal 143rd out of 167 countries (North Korea was bottom). This marked a steep decline from the number 67 ranking Bahrain received when the Index first came out in 2002,

suggesting a disturbing return to a more repressive environment. On 6 May, the International Crisis Group (ICG) issued a report on Bahrain. Bahrain's Sectarian Challenge warned of "increasingly aggressive moves by the government, which more and more resorts to police tactics and authoritarian measures to maintain order." And it observed that, while "some opposition members advocate reconciliation, others are pushing for a more dramatic showdown".

On 20 May, the UN Committee Against Torture reported on Bahrain at the end of its 34th session, expressing concern about the "persistent gap between the legislative framework and its practical implementation with regard to the obligations of the UN Convention Against Torture." The committee also called for changes to the infamous Decree 56 of 2002 that granted immunity to officials who had committed torture and other abuses prior to February 2001 (MEI 719), and challenged the lack of a comprehensive definition of torture in Bahraini law. In short, according to the committee, while torture has declined in Bahrain, little has changed to prevent it from making a comeback.

In 2000, as King Hamad bin Isa al- Khalifa consolidated his power, the atmosphere was decidedly more optimistic. After the violence and repression of the 1990s, pledges of political reform were enthusiastically welcomed. Hundreds of political prisoners were freed and exiles allowed to return. In February 2001, Bahrainis overwhelmingly approved the Charter for National Action, which promised to set the stage for political reforms, including amendment of the 1973 Constitution to ensure that an elected parliament had sole legislative authority.

But a year later, the king produced a completely new Constitution that did no such thing. Instead, it included an unelected upper chamber of parliament that had equal powers with the elected lower chamber. Then in October 2002, the king issued Decree 56, sparking a wave of protests and signalling that the road to reform was going to be bumpy indeed. Elections that month, intended to be a historic return to the parliamentary democracy short-circuited in 1975, were instead boycotted by four major political organizations. The reform process has been in gradual decline since then, culminating in the arrest of Khawaja and the disbandment of the BCHR. This arrest sparked more street protests, and, despite his release following a royal pardon in November 2004, the protests have continued, including a demonstration in March 2005 reportedly attended by thousands on the island of Sitra, a predominantly poor Shi'ite community south of Manama, the capital.

In September 2004 the government closed down the Bahrain Center for Human Rights. Because it had failed to heed warnings that its outspokenness on political matters violated law. It was prohibited from resuming any activities, its funds were confiscated and it was required to surrender its documents to the authorities.

Amnesty International Public Statement, AI Index: MDE 11/002/2006 (Public), 17 July 2006, Bahrain: Human rights defenders under threat states:

In the early hours of 6 July, Abbas 'Abd 'Ali, a member of the Committee of the Unemployed, was allegedly dragged from his car and physically assaulted near his home after he confirmed that he is the brother of Musa 'Abd 'Ali, one of the founders of the Committee of the Unemployed. Apparently, once he acknowledged his identity, several cars containing men in plain clothes surrounded his vehicle, from which he was then pulled and severely assaulted. He was found unconscious hours later and required hospital treatment for the injuries he sustained.

Musa 'Abd 'Ali was previously taken forcibly from near his home at around 1.00 am on 29 November 2005 by men in plain clothes who took him to an isolated place nearby in al-Manama's al-'Akr al-Gharbi district. There, he was reportedly beaten, stripped of his clothes and threatened with sexual assault unless he and other members of the Committee of the Unemployed ceased their activities. Following this incident, Amnesty International wrote to the Bahraini authorities to urge them to establish a prompt and independent investigation, but without response. An investigation was reportedly initiated, however, but its outcome, if any, is not known to Amnesty International.

On Friday 10 March 2006 there was demonstration involving about 175 people outside the Dana Mall who demanded the release of 20 supporters of a cleric. The supporters had been arrested in December 2005 at protest at the airport. Twenty-people were arrested at the demonstration which the authorities claimed turned in to a riot. On 16 March 2006 the detention of those arrested were extended for a further two weeks and they complained of being ill-treated in custody. (Riots in Bahrain as the Kingdom hosts the F1 race, 12 March 2006 Albawaba Cisnet CX14652, Protesters arrested in Bahrain 11 March 2006, Reuters Cisnet CX14752, Rights activist moved to hospital after health deterioration 16 March 2006 Bahrain Centre for Human rights Cisnet CX16089).

The International Crisis Group 2005 (supra) report outlines the institutionalised discrimination that is practised against the Shia in Bahrain and states:

While the widespread fear surrounding Shiite militancy was wholly disproportionate to its actual power and appeal, and outside political influence was far less significant than alleged, the government responded by aligning itself more directly than ever before with the Sunni community. Historically, this was a profound shift. Prior to 1979 the government did not pursue a specifically sectarian agenda, since it viewed the most serious threat as emanating from radical leftist organisations. The head of one of the four main opposition organisations, himself a Sunni leftist, stated that "before 1979 it was hard to tell if the government was favouring any particular group. Afterward and until now, the government has aligned with the Sunnis". Since then, government practices, if not its stated policy, have been principally orientated toward the manipulation of sectarian differences and fears. He noted that "most of the opposition is Shiite, so the government plays the sectarian card, thus reinforcing identity politics".

Evidence of an anti-Shiite agenda abounds, whether in the government's refusal to staff the defence forces or Ministry of the Interior with Shiites, fearing a "fifth column", or in its deliberate playing of the sectarian card to

neutralise the opposition. Commenting on Sunni-Shiite opposition efforts in the early 1990s to organise and submit petitions, two analysts noted that:

The chief regime strategy was to polarise the petition movement by labelling it Shiite -- a destabilising movement representing special pleading on the part of the Shi`a. As a result, the Shiite population was made the primary focus of punishment for having presented the petition, while the Sunnis remained largely untouched -- as if to prove that the movement had only a narrow Shiite sectarian character.

Little has changed in this respect. In early 2005, the government played the sectarian card on several occasions to apply pressure on local critics. Notably, officials, including the prime minister and minister of the interior, accused Shiite groups of inciting sectarian unrest and coordinating with external powers. This claim, made in early March 2005, was based on the display of pictures of foreign religious leaders, including Iran's Supreme Leader Ayatollah Ali Khamene`i, and of political symbols such as the flags of Lebanese Hizbollah and Iran during the Shiite Ashura mourning processions. The government went so far as to lodge a formal protest with Iran's ambassador, suggesting his country had a direct hand in encouraging the displays

FINDINGS AND REASONS

The applicants arrived in Australian on validly issued Bahraini passports and the Tribunal finds that they are nationals of Bahrain.

The Tribunal accepts that the applicants are a Muslim Shiites. The Tribunal accepts, based on the country information set out above, that the Shia are discriminated against in Bahrain. The Tribunal refers to the International Crisis Group's "Bahrain's Sectarian Challenge", Middle East Report No. 40, 6 May 2005, which at page 7 sets out the anti-Shiite discrimination that is practised in Bahrain. It notes that for Shiites that discrimination is a fact of life and the product of government political will is an article of faith. It notes that the reality of formal and informal discrimination is hard to contest and it affects a range of issues, including institutionalised discrimination – including the gerrymandering of parliamentary electoral districts to insure majority Sunni representation despite their minority status; political naturalisation – the government pursues policies to alter the island's demographic balance to mitigate sheer dominance; government employment where Shiites are on the outside looking in (and although this is largely true regardless of rank, it is particularly pronounced at the higher levels which are dominated by the ruling family); and segregation – Shiites mostly live in poor villages on the outskirts of Manama (a large residential area on the island of Riffa has been off-limits since the mid-1990's – Shias are not only forbidden from living in the area but they are not permitted to own land there).

The Tribunal found that the applicant had exaggerated some of his claims in particular in his initial statements when he claimed that any rituals, such as Ashura, or any other peaceful religious demonstration which was specific to Shia methods, resulted in the government officials entering the mosques and shooting and beating the participants they found there. The country information does not support the applicant's claims on this point. He also gave evidence that he commemorated Ashura and worshipped in Bahrain without incident.

The Tribunal is of the view that although Shias are subject to quite severe forms of discrimination in Bahrain, this discrimination is not of sufficient seriousness to amount to serious harm within the meaning of Section 91R of the Act. The Tribunal finds the applicants do not have a well-founded fear of persecution for reasons of being a Shia Muslims.

The applicant claimed that in the mid-1990s he was detained for several months because he was involved in protests against the government. He claimed he was again detained in the late 1990s and held overnight. The applicant in his evidence to the Tribunal was very knowledgeable about Bahrain politics and the persons involved in human rights activities in Bahrain. His knowledge of political movements in Bahrain and the groups involved was quite extensive. The country information indicates that in the 1990's there was significant and widespread unrest amongst the Shia groups, particularly students, which led to a number of demonstrations which were brutally suppressed by the Bahrain regime. The applicant's account of being harmed at this time is consistent with the country information set out above and the Tribunal is prepared to accept that the applicant was detained as claimed in the late 1990's. The Tribunal also accepts that the applicant's siblings were detained at this time.

The applicant was able to provide quite detailed information regarding his involvement in the shopping precinct demonstration which was consistent with the independent accounts of this incident available to the Tribunal. The Tribunal accepts that he participated in this demonstration as he described. The Tribunal has some doubts that the authorities would come looking for the applicant after he was involved in this demonstration. There are no reports that anyone was arrested after this incident and those arrested at the demonstration have largely been dealt with. However given the consistent account provided by the applicant and his wife the Tribunal is prepared to extend to him the benefit of the doubt in relation to this point and accept that the authorities did come to his home looking for him.

The Tribunal must consider whether the applicant has a well founded fear of persecution in the reasonably foreseeable future for reasons of an imputed political opinion or political opinion.

The Tribunal has examined the applicant's sibling's immigration files. The material in these files supports the applicant's claims that he comes from a family that is involved in protesting against the Bahraini government. The contents of these files are consistent with the applicant's claims.

The applicant is someone that the Tribunal accepts is extensively involved in participating political activities in Bahrain and is from a family who have been very involved in protesting against the government. The Tribunal accepts that if he was to return to Bahrain he would continue to be politically active. Despite being detained in the past he has continued with his political activities. The Tribunal notes that the optimism that was prevalent in 2002 has currently given way to the realisations that the political reforms in Bahrain have largely stalled and in fact the situation appears to be reversing. The International Crisis Group Report referred to above notes that the clashes between the government and its critics escalated throughout 2004 and disrupted a relative period of calm, and the country information indicates that they have continued into 2005 and 2006. The country information indicates that in the past those detained for their political activities were tortured and that the ill-treatment of detainees continues.

Based on the applicant's clear political convictions, his active participation in numerous demonstrations the fact he comes from a family who have been politically active and whose

members have been detained for their political activities, the Tribunal accepts that there is a real chance that the applicant would be arrested and ill-treated in the reasonably foreseeable future. That ill treatment would amount to serious harm and would be for reasons of the expression of his political opinion and that his fear of persecution is well founded and for a Convention reason.

The Tribunal has considered whether it would be possible for the applicant to relocate within Bahrain in order to avoid the risk of persecution. Bahrain is a very small country with a population of approximately 700,000 people. The repression of the Shias and the political power of the ruling regime extends throughout the Kingdom. The Tribunal finds that the applicant would not be able to relocate in order to avoid the risk of persecution. The Tribunal finds that the applicant has well-founded fear of persecution for a Convention reason and is a refugee within the meaning of the Convention.

The applicant claimed that he was concerned that his wife would be apprehended because the authorities wanted him. Although the Tribunal acknowledges that this occasionally occurred in the past in 1995 when there was brutal repression of the Shia political activities see: Amnesty International report, Bahrain: Women and children subject to increasing abuse July 2006 (AI Index: MDE 11/18/96). However more recent reports do not indicate that this is still occurring and nothing occurred before the applicants left Bahrain to indicate that the authorities were seeking the applicant's wife in lieu of the applicant. The Tribunal does not accept that the applicant's wife faces a real chance of persecution in the reasonably foreseeable future because of the applicant's involvement in political activities and that her fear of persecution is not well-founded and wife is not a refugee within the meaning of the Convention.

CONCLUSIONS

The Tribunal is satisfied that the first named applicant is a person to whom Australia has protection obligations under the Refugees Convention. Therefore the first named applicant satisfies the criterion set out in s.36(2)(a) for a protection visa and will be entitled to such a visa, provided he satisfies the remaining criteria.

No specific claims were made by or on behalf of the other applicant. The fate of the other applicant's application therefore depends upon the outcome of the first named applicant's application. The other applicant will be entitled to a protection visa provided they satisfies the criterion set out in s.36(2)(b) of the Act and the remaining criteria for the visa.

DECISION

The Tribunal remits the matter for reconsideration with the following directions:

- (i) that the first named applicant satisfies s.36(2)(a) of the Migration Act, being a person to whom Australia has protection obligations under the Refugees Convention; and
- (ii) that the second named applicant satisfies s.36(2)(b)(i) of the Migration Act, being the spouse of the first named applicant.

I certify that this decision contains no information which might identify the applicant or any relative or dependant of the applicant or that is the subject of a direction pursuant to section 440 of the *Migration Act 1958*.

Sealing Officer's I.D. Iward