

1218327 [2013] RRTA 891 (21 October 2013)

DECISION RECORD

RRT CASE NUMBER: 1218327

DIAC REFERENCE(S): CLF2012/152483

COUNTRY OF REFERENCE: China (PRC)

TRIBUNAL MEMBER: Christine Cody

DATE: 21 October 2013

PLACE OF DECISION: Sydney

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

Any references appearing in square brackets indicate that information has been omitted from this decision pursuant to section 431(2) of the Migration Act 1958 and replaced with generic information which does not allow the identification of an applicant, or their relative or other dependant.

STATEMENT OF DECISION AND REASONS

SUMMARY

1. The applicant is a [year] old Chinese national who seeks to be granted a protection visa on the grounds that he is a refugee or entitled to protection under Australia's complementary protection provisions. The applicant claims that he and his family have been imputed with an anti-government political opinion due to the actions of his mother in protesting against corruption, his family have suffered harm for this reason, if he returns to China he will also suffer harm at the hands of corrupt officials, and he is unable to obtain protection from the authorities. The Tribunal does not accept that the applicant's claims are truthful, and does not accept that the applicant has a well-founded fear of persecution for a Convention reason, nor that there are substantial grounds for believing that as a necessary and foreseeable consequence of the applicant being removed from Australia to China, there is a real risk that he will suffer significant harm. The Tribunal has accordingly affirmed the decision of the delegate to refuse to grant the applicant a protection visa.

BACKGROUND TO THE APPLICATION FOR REVIEW

2. 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). The relevant law is set out in Appendix A. The applicant was represented in relation to his initial protection visa application and in the review (until May 2013) by his registered migration agent, [name and agency deleted]. Since May 2013 he was not represented by a registered migration agent.
3. The applicant had applied to the Department of Immigration for the visa [in] July 2012. The Tribunal has before it the Department's file relating to the applicant (CLF2012/ 152483) which contains the protection visa application and his signed and dated statement and a copy of certain pages of his passport. According to those documents, the applicant was born in Fuqing, Fujian Province, China. He can only speak, read and write in Mandarin. He is ethnic Han. From July 2002 he lived at [Village 1], Fuqing City. He has had 12 years of education in total. He first arrived in Australia in December 2007, holding a student visa which was valid [until] March 2010. He studied for 1 year in 2007/2008 in [City 2].
4. His claims according to those documents were that his mother worked at [Government agency] for more than 10 years, she was hardworking and earnest, however corruption emerged in the implementation of [policy] where officials blatantly violated the law and were corrupt in that they charged money without regard to the rules. One particular official ([Mr A]) suggested to his mother that she should not issue invoices to villagers upon payment [of] compensation fees, so that the officials could keep the money for themselves, but his mother insisted on issuing the invoices as she detested the corruption. That official became angry and threatened his mother that he would take vengeance on her family. In [early] 2011 his mother wrote an anonymous letter and reported corrupt behaviour to the upper level government. However the Communist Party Secretary of the village, [Mr B], tore up the letter in front of his mother one month [later], and said to his mother that she would not succeed even if she reports it to the state government, the federal government, the Chairman or the Prime Minister. His mother thought she could obtain help from the Superintendent's office and when she spoke to officers in the Procurate she was told it was impossible to sue the government. His mother did not give up, she continued to seek advice from lawyers. However [later in] 2011 she was accused of economic fraud, subjected to trial and condemned to a one year sentence: all of this was brought about by [Mr B] who

manipulated the system. His father lost his business; and his [siblings], who had worked in the father's business, thus also lost their jobs, so they left their hometown to make a living elsewhere as they could not survive at home. His father told him that [Mr B] would do whatever he could to take vengeance on the family.

5. The Departmental file also contains a recording of the delegate's interview with the applicant [in] October 2012 (to which the Tribunal has listened), and the delegate's decision record dated [in] October 2012, which contains the delegate's reasons for refusing to grant the visa. The delegate considered that the applicant's delay in making a protection visa application indicated that his fear was not well founded, noting that according to his evidence at interview, his fear of returning to China commenced in July 2011, but he waited [until] July 2012 to make his protection visa application. The delegate did not accept the applicant's explanation that he had applied after his mother was released from prison (which the applicant said occurred in [early] 2012) as there was still a delay after that time.
6. The delegate also considered that the country evidence did not support the applicant's claims to require protection, suggesting that in China, like in any country, there can be corruption within the law and order system and the authorities, but that any local corruption does not reflect law and order and the authorities as a whole, and state protection is available to Chinese citizens. The delegate considered that the country information suggested that the Chinese authorities would provide a reasonable level of protection in relation to any criminal action taken against the applicant or any other action taken by a corrupt official, noting that absolute protection of an individual is not required, nor is it required that there be a state guarantee against persecution, and the delegate did not consider that any claimed connections of the vice director would prevent the applicant relying upon state protection, nor does the applicant have a profile which might prevent state protection. The delegate considered that the state would take reasonable measures to protect the applicant and thus the claim to fear of persecution was not well-founded.
7. The applicant lodged an application for review to the Tribunal: he did not provide any additional evidence or information to the Tribunal at the time (or thereafter) other than at hearing. The Tribunal conducted a hearing on 9 October 2013 with the assistance of interpreters in the Mandarin and English languages, at which the applicant gave evidence and presented arguments. At the hearing the Tribunal noted that it was not bound by the delegate's findings, and discussed with the applicant various aspects of his claims¹. The applicant said that his parents were not working and that they were being provided with funds from his [siblings] who had moved from home to [City 3] in [early] 2013, they were working there and sending money back home. When asked what they intended to do, he said that they would come back one day to get married, but they were staying in [City 3] indefinitely to work and earn money. The Tribunal asked the applicant what he feared would happen to him on return to China and he said he fears that he will be physically harmed by [Mr B], he was scared that [Mr B] will find people from society to threaten family or he will organise for the applicant to be convicted of a crime he has not done, and put him in gaol. When the Tribunal noted that [Mr B] had not done this to his father or [siblings], and asked why he thought he would be wrongly convicted, he did not directly answer the question, other than to say that his family doesn't have any resources. When the Tribunal asked the applicant why he could not relocate as his [siblings] had done, he said that he could not relocate permanently without a hukou (although, as the Tribunal noted, he had said that his [siblings] were making their living in [City 3] without having transferred their hukou to [City 3]).

¹ The Tribunal has not provided a complete summary of the evidence and discussions at hearing in this decision.

8. The Tribunal has considered all the material referred to above, the Departmental and Tribunal files, as well as country information, and evidence and information from these sources is referred to when relevant below.

FINDINGS AND REASONS

Country of reference

9. The Tribunal finds that the applicant is a national of China (PRC) based on his evidence and his passport which was provided to the Tribunal at hearing, and will assess his claims on this basis. The Tribunal finds that the applicant is outside his country of nationality. There is no evidence before the Tribunal to suggest that the applicant has a legally enforceable right to enter and reside in any country other than his country of nationality.
10. Taking into account the law and all of the relevant circumstances, the Tribunal has concluded that the decision under review should be affirmed, for the reasons set out below.

Credibility

11. The mere fact that a person claims fear of persecution for a particular reason does not establish either the genuineness of the asserted fear or that it is “well-founded” or that it is for the reason claimed. It remains for the applicant to satisfy the Tribunal that all of the statutory elements are made out. Although the concept of onus of proof is not appropriate to administrative inquiries and decision-making, the relevant facts of the individual case will have to be supplied by the applicant himself or herself, in as much detail as is necessary to enable the examiner to establish the relevant facts. A decision-maker is not required to make the applicant's case for him or her. Nor is the Tribunal required to accept uncritically any and all the allegations made by an applicant. (*MIEA v Guo & Anor* (1997) 191 CLR 559 at 596, *Nagalingam v MILGEA* (1992) 38 FCR 191, *Prasad v MIEA* (1985) 6 FCR 155 at 169-70.)
12. The Tribunal did not find the applicant to be a credible, truthful, or reliable witness, and in making this finding, the Tribunal has considered various internal inconsistencies, the vague and changing nature of his claims and evidence, as well as other concerns referred to below.
13. *Firstly*, the Tribunal was concerned about the inconsistencies in the applicant's evidence concerning when he first learned of threats made about his family (which would include himself). In his statement, the applicant said that there were threats made about his family, but he did not specify when those threats occurred.
14. At the interview with the delegate, the applicant said that he first learned of the threats to his family in [mid] 2011, whereas at the Tribunal hearing, he told the Tribunal that he first learned about threats to the family in [mid] 2008. When the Tribunal put this concern to the applicant pursuant to s.424AA of the Act, he said he told the delegate he was first aware of the threats in [mid] 2011 because something had happened to his mother then and his family would not allow him to go back and said he must stay in Australia, but in 2008 he was told that he should just stay in Australia for a while and it was not certain that he would not go back to China. The Tribunal has considered this, but does not find that this explains the significant difference between what he told the delegate and what he told the Tribunal. The Tribunal considers that the applicant has provided significantly inconsistent information about when he first learned there were threats to the family (and thus threats to himself), and the Tribunal considers that this undermines his credibility that there has been threats made to the family, and his claims generally.

15. **Secondly**, the Tribunal was concerned about inconsistencies between the applicant's statement and his evidence to the Tribunal as to who told his mother not to issue the invoices to the villagers. In his statement, he said that it was [Mr A] who told his mother not to issue the invoices (under promise that she would obtain benefits), but at the hearing the applicant said it was [Mr B] who told her not to issue the invoices. When the Tribunal raised this with the applicant at hearing, he said that there was a difference in his evidence because [Mr A] only talked to his mother, but it was [Mr B] who had threatened his mother. The Tribunal does not accept this explanation as it is directly contradicted by his statement, where he said that when his mother refused to issue invoices [Mr A] became angry and threatened his mother that he was going to take vengeance on the family. The Tribunal considers that the change in his evidence from his statement to his evidence at hearing, concerning which official had told his mother not to issue the invoices, and his contradictory evidence about whether or not [Mr A] had talked to, or threatened, his mother, undermines his claims that his mother had been told not to issue invoices, and that his mother had been threatened at all.
16. The Tribunal's concerns in this regard were heightened by the applicant's failure to raise [Mr A] at the hearing at all² despite his claimed involvement in pressuring his mother, according to the applicant's statement.
17. **Thirdly**, the Tribunal was concerned that the applicant claimed at hearing (but not in his statement) that [Mr B] had been threatening the applicant's mother for three years since [mid] 2008, and if this claim was true, then, having regard to [Mr B]'s significant power and influence, the Tribunal was concerned that the applicant's mother was apparently able to disobey [Mr B] and his corrupt desires for three years, without suffering any punishment or any harm.
18. According to the applicant's statement, [Mr B] only threatened the applicant's mother after she wrote the anonymous letter in [early] 2011. However, at hearing, the applicant told the Tribunal that [Mr B] had been threatening his mother since [mid] 2008 effectively for not being corrupt and not allowing funds to be siphoned off for the benefit of government officials (such as [Mr B]). The Tribunal was concerned about the differences in this regard, and when it was put to the applicant that he had not mentioned in his statement that [Mr B] had been threatening his mother since [mid] 2008, he said he didn't think it was necessary to put these threats into the statement. The Tribunal does not accept this explanation, noting that the applicant had mentioned other information about 2008 (he inserted the penalty for failure to comply with the one child policy in 2008). The Tribunal considers that the omission to mention [Mr B]'s continuous threats since 2008 in his statement suggests that the applicant made up this claim at hearing that [Mr B] had been threatening the applicant's mother since [mid] 2008.
19. Further, if this claim was true, then it would mean that for three years, since [mid] 2008, the applicant's mother was effectively able to defy [Mr B]'s wishes, and she did not suffer any punishment for this. The applicant told the Tribunal that his mother was the director of the [Committee] for the village; that the person to whom she reported, her boss, was [Mr B], who had been Communist Party Secretary of the village since 2007. The applicant's statement provided that the local government was corrupt, upper level officers advocated for corruption and their staff would follow their directions. He also said that [Mr B] was powerful enough to organise, within a one month period in 2011, for the applicant's mother to be charged, put on trial and convicted for one year, to manipulate business officials leading to his father's business

² In response to a question by the Tribunal, the applicant said that [Mr A] was the deputy director of the [committee] of [Town 4], however he did not suggest it was [Mr A] who was involved in the conversations with his mother until queried by the Tribunal.

being shut down, his father and mother being unable to work, and his [siblings] also having to leave town to find work. In these circumstances, the Tribunal found it hard to understand how the applicant's mother could have got away with defying her boss for three years and being subjected to no penalty for this. When this was put to the applicant he firstly said that his mother was arrested in 2011 because she wrote a letter to report [Mr B]. Later he said that his mother had been orally threatened by [Mr B] during this time (3 years) but his mother hadn't told him everything. Later he said that his mother had a good relationship with people in the village because of the grandfather, and she was respected during that period. The Tribunal does not find these explanations persuasive, and considers that it is highly unlikely that the applicant's mother, whose role was to organise for money to be collected from the villagers, would have defied her corrupt and powerful boss's wishes for three years without punishment, especially in light of his continuous threats for a three-year period, and having regard to his willingness and speed to organise vicious punishment against her in 2011 for having apparently written an anonymous letter against him, reporting him. The Tribunal considers that this undermines the applicant's claim that his mother defied [Mr B] for three years; that she was threatened by [Mr B] for three years; or that she (or the family) was threatened at all.

20. **Fourthly**, the Tribunal was concerned about the applicant's delay in lodging a protection visa application. According to his application form and passport, he arrived in Australia [in] December 2007, having been granted a student visa [in] November 2007, which was valid [until] March 2010. According to the applicant's evidence, he studied until the end of 2008 in Australia, and his visa was cancelled in 2009. He said since 2008 he did nothing in Australia: no work³ and no study. He said he stayed in Australia because his father told him he should stay as there may be some problems. When he was being asked why he did not lodge a protection visa, noting that he had been told about the threats in 2008, he said at the time he didn't know he could apply for a protection visa. When the Tribunal asked if he had made enquiries about seeking protection, he did not answer except to say that he saw an agent in 2012. When the Tribunal noted it was asking about 2008, he said he wanted to apply for a student visa. As discussed with the applicant, the Tribunal finds it difficult to accept that he managed to survive for 3 years unlawfully in Australia, but did not, during this time, manage to seek or find out any information about how he could obtain protection. When the Tribunal asked the applicant if he had contact with the Department of Immigration during this time he initially said no, until the Tribunal referred to 2009 and he then said he did have contact with the Department then. As put to the applicant pursuant to s.424AA of the Act, according to information held by the Department, the applicant had a meeting with the Department [in] August 2009, where he was advised that he had [until] September 2009 to appeal against the cancellation of his student visa, or to show evidence of his departure; his bridging visa expired [in] September 2009, yet he remained unlawfully in Australia for three years before making a protection visa application, which seemed to indicate that he did not have a genuine fear of harm at the time. The applicant responded that he could not get his student visa back, his father said he had better not come back to China so he thought he should delay for a while, it was not certain he would not go back, and he only discovered from a friend in 2011 when his mother was arrested that he could apply for a protection visa, and so he approached an agent for that reason. The applicant also said that he didn't have the details from his parents earlier (in 2008) but he asked his father for details in 2011/2012 in order to lodge the protection visa application.
21. The Tribunal has considered the applicant's explanations but does not find them persuasive. The applicant was aware that his visa was cancelled, he was told by the Department that he had to

³ Initially he denied ever working in Australia except for the last 2-3 months, later he said he did a few month's casual work in 2011/2012.

take action, he did not suggest that he informed the Department of any fears or any reason why he could not leave Australia, he was resourceful enough to support himself (and move house three times, living in two different states in Australia according to his protection visa application form) without working (for most of the time during a period of three years), yet he made no enquires as to how he could stay in Australia or seek protection. The Tribunal considers that the applicant's willingness to remain in Australia unlawfully without making enquiries about, or seeking, protection, undermines his claims that he had a genuine fear or that his family had been harmed or threatened as claimed.

Conclusions on credibility

22. Considered cumulatively, the concerns the Tribunal holds about the applicant's credibility as discussed above lead the Tribunal to conclude that the applicant is not a witness of truth and the account of events on which his protection claims are based is false. The Tribunal had other concerns with the applicant's evidence, however in light of this finding it is considered unnecessary to set out such further concerns.

Explanations

23. The Tribunal has considered other general reasons or explanations offered by the applicant for the deficiencies in his evidence including nervousness, and that his parents didn't tell him everything. The Tribunal has also considered that he was not actually present in China during the events, however he said he kept in regular contact with his parents, and he had remained in Australia unlawfully after having been told he needed to leave by the Department: in such circumstances the Tribunal does not accept that the applicant had minimal details about his family circumstances until 2011/2012 (as he sometimes claimed at hearing).
24. The Tribunal does not accept that these matters can overcome the deficiencies in the applicant's evidence.

Findings on the applicant's claims

25. The Tribunal will accept for the purposes of determining this application that the applicant's mother worked in China in some role within the [committee], noting that the applicant had some knowledge about [specific] matters; however the Tribunal does not accept that she had the role claimed, the problems and difficulties claimed, the encounters with [Mr B] or [Mr A] as claimed, specifically that she was pressured to accede to corruption requests and did not want to do so, that she stood up to any officials about any aspect of her work leading to her drawing adverse attention to herself or receiving threats about herself or her family including the applicant, that she sent an anonymous letter which was discovered, that she was arrested or detained or sentenced to one year or released early upon payment of a bribe paid by the applicant's father and subject to conditions; that his father was unable to run his business, or sold his business, and that his [siblings] lost their jobs, and his parents are unable to work, for the reasons claimed; that anyone has threatened the applicant (or his family) directly or indirectly or that there is any reason to consider that the applicant will suffer any harm upon return to China. The Tribunal does not accept that the authorities have, or have had, any interest in the applicant, his mother or any other family members for the reasons claimed. The Tribunal finds there is no basis for the applicant's claims to fear persecution. The Tribunal is satisfied that if the applicant returns to China there is no real chance that he will be harmed by the authorities or anyone else for a Convention-based reason. The Tribunal is also satisfied that there is no real chance that the

applicant will be at risk of persecution for any Convention-based reason should he return to China in the foreseeable future.

Complementary protection

26. The Tribunal has rejected the applicant's claims and as there is no credible evidence that any person or official in China wishes to harm him or his family members, or has any interest in him or his family members, the Tribunal also finds that there are no substantial grounds for believing that if the applicant is returned to China there is a real risk he will suffer significant harm. The Tribunal is not satisfied that there are substantial grounds for believing, that, as a necessary and foreseeable consequence of the applicant being removed from Australia to China, there is a real risk that he will suffer significant harm.

CONCLUSIONS

27. 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).
28. 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 that the applicant is a person in respect of whom Australia has protection obligations under s.36(2)(aa).
29. 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

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

Christine Cody
Member

APPENDIX A - RELEVANT LAW

1. 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 'refugee' criterion, or on other 'complementary protection' grounds, or is a member of the same family unit as such a person and that person holds a protection visa.

Refugee criterion

2. 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 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).
3. 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.
4. 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.
5. There are four key elements to the Convention definition. First, an applicant must be outside his or her country.
6. 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)). Examples of 'serious harm' are set out in 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.
7. 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.
8. 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.

9. 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 '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.
10. 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.
11. 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

12. 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').
13. '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. 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.

Section 499 Ministerial Direction

14. In accordance with Ministerial Direction No.56, made under s.499 of the Act, the Tribunal is required to take account of policy guidelines prepared by the Department of Immigration –PAM3 Refugee and humanitarian - Complementary Protection Guidelines and PAM3 Refugee and humanitarian - Refugee Law Guidelines – and any country information assessment prepared by

the Department of Foreign Affairs and Trade expressly for protection status determination purposes, to the extent that they are relevant to the decision under consideration.