

1310946 [2014] RRTA 520 (1 July 2014)

DECISION RECORD

RRT CASE NUMBER: 1310946
COUNTRY OF REFERENCE: Lebanon
TRIBUNAL MEMBER: Sean Baker
DATE: 1 July 2014
PLACE OF DECISION: Melbourne
DECISION: The Tribunal affirms the decision not to grant the applicants Protection (Class XA) visas.

Statement made on 01 July 2014 at 6:40pm

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

APPLICATION FOR REVIEW

1. This is an application for review of a decision made by a delegate of the Minister for Immigration to refuse to grant the applicants Protection (Class XA) visas under s.65 of the *Migration Act 1958* (the Act).
2. The applicants, who claim to be citizens of Lebanon, applied to the Department of Immigration for the visas [in] October 2012 and the delegate refused to grant the visas [in] July 2013.
3. The applicants appeared before the Tribunal [in] October 2013 to give evidence and present arguments. The Tribunal hearing was conducted with the assistance of an interpreter in the Arabic and English languages.

CONSIDERATION OF CLAIMS AND EVIDENCE

4. The criteria for a protection visa are set out in s.36 of the Act and 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.
5. Section 36(2)(a) provides that a criterion for a protection visa is that the applicant for the visa is a non-citizen in Australia in respect of whom the Minister is satisfied Australia has protection obligations under the 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).
6. 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').
7. 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.
8. Applicant one fears that he will be killed, kidnapped or otherwise seriously harmed by the Syrian regime or other parties working on their behalf because he transported aid to the Syrian border. Applicant two claims that her father, who is deceased, was kidnapped by the Syrian regime [a number of] years ago and she does not want their

children to face this danger. The issue in this case is whether applicant one has been threatened in the past and whether the applicants will be harmed on return. For the following reasons, the Tribunal has concluded that the decision under review should be affirmed.

9. Applicant one claims persecution on the ground of his political beliefs, and also relies on complementary protection as he fears being tortured or subjected to cruel inhuman treatment or punishment, or degrading treatment or punishment.

Nationality and identity

10. On the basis of the applicants' Lebanese passports, which I saw at the hearing and copies of which are on the Departmental file, I find that the applicants are nationals of Lebanon. They stated they did not have a right to enter and reside in any third country, and there is no evidence before me to suggest they do, and I therefore find they do not have such a right.
11. The applicants identify as Sunni Muslims. Applicant one states that he continues to be a committed member of his faith. Applicant one and two are married. Applicant three is their first child. I note that applicant two has given birth to [another child], the couple's second child, whilst in Australia. This child was [not] included in the visa application and [is] not part of the application under review.
12. The applicants lived in [Town 1], Akkar, North Lebanon before travelling to Australia.

Credibility

13. This case raises significant credibility issues because of concerns I expressed to the applicants with documents they submitted. On the basis of my concerns and findings below I find that applicant one is not credible or a witness of truth. For these reasons I also give the evidence from the second applicant, his wife, about the phone calls that applicant one claimed to have received no weight.
14. Applicant one provided several documents to substantiate his claims. These were submitted after the interview with the delegate. I had considerable concerns with these documents which I put to the applicants at hearing.
15. The translation of the central document of concern (Df. 105) appears to be from an organisation called [Association 2]. The translator indicates that in the top left is the association logo, [described]. the document goes on to indicate that [Association 2] certifies that applicant one was working for the association as a volunteer, working in Akkar, specifically [in a named location], that he was subjected to threats and harassment, and had to leave his work with them and the country. the document states that his presence in Lebanon would expose him to harassments and may even put his life in danger and begs the Australian state to accord protection to him and his family. There is then a stamp of the association and a signature. I noted to the applicant that there was a second document which also appeared to be from this organisation but which had not been translated.

16. Despite having a logo and a stamp and signature, the letter has no contact details including no address or telephone number, nor is anyone identified from the association or as the writer of the letter.
17. I explained my concerns to the applicants at the hearing. Applicant one said that he could provide the address and contact number, he said that he had asked for the telephone number but they did not send it to him. I explained to him that my concern was that if this was an official document, with a logo and stamp, it could be expected to have contact details. I explained that because of this, and because I could find no information about the organisation which his brother-in-law and he had been associated with, which he had referred to as [a named organisation], this caused me to have considerable doubts about his claims and therefore his credibility. In response applicant one said that he was not a member, he did not go there, the goods he used to transfer from this association, he would not dare to openly take them from the association, so his brother-in-law would take them to the family house or to the applicant's house for the applicant to pick up in his van. He then claimed that maybe the reason behind not mentioning the contact information in the letter was because some people who come for a visit to Australia might use such documents to collect donations from other Lebanese-Australians or go to the mosque and try to collect money, using this association as an excuse to collect money. He said that the person who established [this organisation was a senior cleric in the area] at the present time, and the person in charge of the medical centre where he got the supplies as [Mr A].
18. Later in the hearing applicant one claimed that the head of the association had asked applicant one if he should add the contact details and applicant one had said there was no need to, as the stamp is important and cannot be added, so there was no need. I explained to the applicants that this did not really address my concern, and explained that if a person was printing a document for their association, and included a logo and stamp, and that was printed on the letter, I would expect that there would also be contact details, the address and telephone contact details. The fact that this letter did not have these details despite having a logo and stamp caused me to be concerned that this was a fake document.
19. Later in the hearing we again discussed this issue, I put to him that there were two letters from this organisation that he had provided, one translated and one not, they had the same logo, they appeared from the copies to be printed, but there was no address, no phone number, no name of the signatory or anyone from the organisation, and yet it is my view that these things are generally common for documents from organisation all over the world. I put to them that if this was a letter on letterhead without any of these characteristics then it made me think it was a fake document. I asked if applicant one could provide information from this organisation to explain why there were no contact details on these letters. Applicant one said that he could and then made the point that if it was forged or fake then the translator would not accept it if they thought it was not genuine. I explained that my understanding was that a translator translated what was given to them, they only indicate that their translation is a true translation of the document, they have no capacity or obligation or role in indicating whether the base document is genuine. The applicant said that he would request that they send him the originals of these letters and an explanation.
20. The applicant asked for more time after the hearing to provide further information and evidence about this and other issues. I agreed to him providing this information by

[date] November 2013. They requested further time to provide this information, stating that this was because of the recent events in Lebanon, which was granted until [date] December 2013. On [a date before in] December 2013 there was a second request for further time due to the situation in Tripoli and a storm in Lebanon. The Tribunal indicated that it considered they had already had sufficient time. The applicant said he would send in what he had within 2 – 3 days. [In] January 2014 the applicant submitted a list of Syrian aggressions on Northern and Eastern Lebanese borders, starting from November 2011. There is no indication in the translation of the source of this information. The applicant stated that as for the assembly, the paper would be presented in the near future.

21. [In] February 2014 the applicant sent in two documents with translations. The most relevant of these is a letter from [Mr A who] certifies that applicant one was an active volunteer in [charity] activities in order to help needy people and has good character. He goes on to say that applicant one was active in [different associations], and that this letter is given to applicant one by [one of the named associations], because he was working for this same association. The letter goes on to state:

In the certificate, no date of issue was given, nor were the seat and address of the association mentioned. That was caused by the fact that the association was not at that time authorized by the Lebanese Government. Furthermore, the Association was encountering many internal problems.

22. The applicant has now provided a number of explanations for why there is no address or contact details on the letters on the Departmental file. I note that the applicants have not submitted originals of the letters from [Association 2] as applicant one undertook to do at the hearing. No explanation for this has been provided. I have considered the explanations offered by the applicant at hearing, and those supplied by [Mr A] in the letter. I find that the explanations given by applicant one at the hearing are implausible, divergent and contradictory - he first claimed that perhaps the contact details might have been left off because people might use letters such as this to scam Lebanese-Australians out of money that they could pretend was for aid to people back home. However, he later claimed that the head of the association had asked applicant one if he should add the contact details and applicant one had said there was no need to, as the stamp is important and cannot be added, so there was no need. This appears to indicate that the head of the organisation was willing or intended to add the contact details but was stopped by applicant one who considered the seal sufficient. It also demonstrates that applicant one claims to have been aware that these details were not on the letter, and to have discussed this with the head of the association. The letter from [Mr A] puts forward an alternate explanation, that the association was not authorised by the Lebanese government, and that it was encountering many internal problems. I do not understand, if this is the case, why the head of the organisation would not have discussed this with applicant one when the head of the organisation was at the point of adding the contact details and the applicant told him he did not need to. I find these explanations implausible. I do not accept these explanations because firstly, the translated letter (Df. 105) provides a 'license number.' If this is not authorisation with the Lebanese government then this has not been explained by the applicants or [Mr A]. Therefore the claim that these details were not included because it was not authorised appears to be false, but this explanation also does not explain, without more, why the contact details would not be provided but the logo and seal would be – the explanation does not make sense. Further, the second explanation that the organisation was having

internal problems is vague and without more does not explain my concern at all. Neither of these explanations were raised by applicant one at the hearing, despite him claiming that he had spoken to the head of the organisation at the time the letter or letters were being written. I further note that the name of the association differs between those letters submitted to the delegate and the letter from [Mr A], with no explanation for this difference. For all of these reasons I find that the explanations provided by applicant one and those of [Mr A] are not true. For the above reasons I do not accept any of the explanations proffered for why there are no address or contact details on the letters allegedly provided from [Association 2]. I therefore find that the document which is translated at Df. 105 is a fake document. I give this document no weight.

23. The applicant has claimed to be involved with this association, and has provided these documents to establish that he was involved. Further, he has then sought to provide a letter from [Mr A] to address the problems with and my concerns with the earlier documents. I find, on the basis of the fax cover sheet with his details on it (Df.106) that applicant one provided these documents from the association to the delegate, I find that he has provided a fake document with which he attempted to establish and enhance his claims for protection. I find that applicant one is not credible or a witness of truth. I find, on this basis that I do not believe and cannot accept anything that he has claimed. Further, I find that I can place no weight on any document that has been provided, given the provision of a fake document during the process.
24. I note that I found applicant two to be largely credible. However, her testimony was that her husband had told her that he had received telephone threats. Because I find him not to be a witness of truth I give this element of her testimony no weight.

The applicants' mental health

25. [In] April 2014 the applicants provided a letter from a registered psychologist who stated that applicants one and two had presented with various issues affecting their psychological wellbeing. The applicants reported that this was due to stressful events they faced in Lebanon and reported mixed symptoms of Major Depression Disorder and Post Traumatic Stress Disorder. The letter states that they agreed to undertake weekly counselling sessions.
26. [In] May 2014 the applicants submitted a further letter from the same registered psychologist, in which the psychologist states that she has seen applicant one for several sessions and applicant two for the initial session. The psychologist reports applicant one's claims to have received threats. The psychologist states that overall, at this stage, it seems that both applicant one and applicant two are currently experiencing exacerbating symptoms of depression and PTSD related to their basic need for safety. She notes that applicant one also reported symptoms of [another] disorder.
27. I have considered these letters from their psychologist. I note that they report what has been claimed by the applicants. I note the overall conclusion that it seems they are both currently experiencing exacerbating symptoms of depression and PTSD related to their basic need for safety. I note that this is not a diagnosis for either applicant. I note that the applicants attended counselling some months after the hearing. I have considered what has been written by the psychologist. I find that the applicants were cogent and logical in their evidence at the hearing and I find that they had capacity to give

evidence and that this capacity was not impaired by their mental health. I further find that the letters from the psychologist do not alter my credibility findings above in any way.

Claims of the applicants

28. Whilst I accept that applicant one may have been a company representative/delivery driver, I do not accept that he faced harm for this reason. I do not accept that he would face any harm for this reason on return, and I further find that he left this employment prior to departing Lebanon.
29. The document from the Association at Df. 105 was provided to demonstrate that the applicant one's claimed work with this association in Lebanon was true. He provided this document to establish that he was involved. On the basis of my credibility findings above I find that the applicant was not involved in any way with this organisation or any other organisation assisting Syrians, IDPs or anyone else whilst he was in Lebanon. I find that applicant one did not join [an aid agency, run by a senior cleric], who has been providing humanitarian aid to Syrian refugees who have been flooding into Lebanon. I find he did not obtain aid from the [organisation] or anywhere else. I do not accept that applicant one has rendered any form of humanitarian aid to anyone. I find that applicant one did not deliver medical aid or any other form of aid to [named locations] or any other area, nor transfer or assist in the transfer of this aid across the Syrian border. He did not play an important role or any role in the provision of humanitarian aid.
30. On the basis of my credibility findings I find that applicant one has no political opinion or view on the Syrian uprising or Syrian refugees or IDPs. I find that he has no interest in actively supporting the Syrian uprising and therefore I find that he has not been threatened with execution, kidnapping and detention, nor falsely accused of smuggling weapons into Syria. Whilst I accept that some people have been killed or kidnapped near the border, or that there are some Syrian incursions attacks or arrests by Syrian forces close to the border I do not accept that this will affect the applicants directly – applicant one has left his job as a delivery driver and the applicants live in [Town 1], not on the border.
31. On the basis of my credibility findings I do not accept that applicant one's brother in law has been involved in providing humanitarian aid.
32. Because I do not accept the claims of applicant one to have provided humanitarian aid as claimed, nor to have taken any other action or to have any political view in relation to the plight of Syrian refugees and IDPs, I find that applicant one has not received threats from Syrian agents, either members of the Syrian Arabic Democratic Party or SSNP or anyone else, either by telephone or a note left on his windscreen. Further strengthening my findings in this regard, I find these claims to be implausible because I find that applicant one's explanations about the note left on his van is not plausible. Applicant one claimed that the note left on his van threatened him and explained that if he did not stop delivering aid to the border they would plant weapons in his van to falsely accuse him of smuggling arms to the rebels. As I pointed out to the applicants I find it implausible that people making a threat would explain that they planned to plant weapons to falsely accuse someone of running arms. The note would then be evidence that applicant one had been framed and had not in fact been

smuggling arms. Applicant one claimed that they did this because the authorities were ineffective. I do not accept this explanation.

33. On the basis of my credibility findings I do not accept that intelligence who operate along the Syrian Lebanese border have discovered applicant one's covert operation and have threatened him along with other members of the [aid] agency which provides them with the medicines.
34. On the basis of my credibility findings, I do not accept that [a named person] has been kidnapped, was a part of the applicant's network or is known to applicant one. I do not accept that any other people involved with applicant one in the network were also kidnapped by Syrian agents in the same period because I do not accept that applicant one is a member of any network.
35. On the basis of my credibility findings I do not accept that applicant one was a supporter or member of the SSNP at any time. I do not accept that he has a relative in the SSNP. I do not accept that he supports the Future Movement as I find that he has no political interest or affiliation on the basis of my credibility findings.
36. On the basis of my credibility findings I do not accept that the applicants relocated to a mountain home, nor do I accept that, if they moved from their house to applicant two's family house as she claimed, that this was for any of the reasons claimed
37. On the basis of these findings I therefore find that the applicants did not flee Lebanon for the reasons claimed.
38. It follows that, on the basis of my credibility findings and my findings above I find that applicant one will not be targeted by pro-Syrian factions on his return for any of the reasons claimed, for kidnapping, execution or any other form of harm. He will not be killed by those who threatened him because I have found he was not threatened. On the basis of my credibility findings I find that applicant one does not have a political opinion or adverse political views, and therefore I find that he would not have to desist from imparting such adverse political views. Given my findings above I find that he would not have to desist from rendering practical humanitarian assistance to the Syrian people because he has not done this in the past and I do not accept that he has any interest or inclination to do so in the future.
39. On the basis of my credibility findings I give the documents from Lebanon submitted by the applicants no weight.
40. Applicant one has not distributed aid on or across the Syrian border. He has not received threats.
41. I accept the testimony of applicant two that her father was kidnapped by the Syrians in [a certain year] and released after two years. It was her testimony that after he was released nothing else happened from the Syrians.
42. I accept applicant two's testimony that members of their families have been killed on boats attempting to get to Australia.

Will the applicants be harmed on return?

43. There is no real chance or real risk of the applicants being harmed on return for the following reasons.
44. I have considered the document submitted by the applicants which purports to show Syrian aggressions on Northern and Eastern Lebanese border. There is no indication where this document is sourced from. Due to this and my credibility findings above, I give this document no weight.
45. The Department of Foreign Affairs in its DFAT Country Report: Lebanon, released on 25 February 2014, in the section analysing the situation for Sunnis on return to Lebanon, states:
- 3.36 In North Governorate, DFAT assesses that Sunnis living in the immediate vicinity of Syria Street, Tripoli, are at a high risk of being caught up in sectarian violence. Sunnis living in other parts of Bab al Tabbaneh neighbourhood, Tripoli are at a moderate risk from sectarian violence, because violence is more easily avoided. The risk of violence outside those areas is low. There is little evidence to suggest non-militarised Sunnis are at risk from sectarian violence in Akkar Province.¹
46. Sources describe increasing pressures and tensions in Lebanon due to the growing numbers of Syrian refugees.² The Lebanon-Syria border remains open and Syrian refugees continue to enter the country.³ Syrian refugees are putting increasing strain on Lebanon's water, sanitation, education and health care systems.⁴ Reports highlight increasing socio-economic problems for host communities, including growing competition for jobs and increasing food and housing costs.⁵ These problems are affecting an estimated 1.2 million Lebanese citizens.⁶ The reporting also highlights the

¹ DFAT, 2014 *DFAT Country Report: Lebanon*, 25 February.

² UNHCR 2013, *Lebanon: Regional Response Plan (RRP5) – Fact Sheet*, June <<http://reliefweb.int/sites/reliefweb.int/files/resources/RRP5Factsheet%2Bsectoraldashboards02072013.pdf>> Accessed 26 July 2013 ; Van Vliet, S & Hourani, G 2012, *Refugees of the Arab Spring: The Syrian Refugees in Lebanon April 2011-April 2012*, The Center for Migration and Refugee Studies, American University in Cairo, August <[http://www.ldn-lb.org/UserFiles/Cairo%20Studies%20No.2Syrian%20Refugees%20in%20Lebanon_Format_27Aug%20\(1\).pdf](http://www.ldn-lb.org/UserFiles/Cairo%20Studies%20No.2Syrian%20Refugees%20in%20Lebanon_Format_27Aug%20(1).pdf)> Accessed 10 May 2013

³ Weir, E 2013, *Deluge of Syrian Refugees in Lebanon Awakens Old Sectarian Divisions*, Global Observatory, International Peace Institute, 18 June <<http://www.theglobalobservatory.org/analysis/525-deluge-of-syrian-refugees-in-lebanon-awakens-old-sectarian-divisions-.html>> Accessed 29 July 2013

⁴ World Vision 2013, *Under Pressure: The Impact of the Syrian Refugee Crisis on Host Communities in Lebanon*, July, pp13-14 <<http://wvi.org/sites/default/files/UNDER%20PRESSURE%20report.pdf>> Accessed 29 July 2013 ; Berneis, N & Bartl, J 2013, *Understanding the Heightening Syrian Refugee Crisis and Lebanon's Political Polarization*, Carthage Research Series, June, p.15 <[http://www.ldn-lb.org/UserFiles/carthage%201%20final\(1\).pdf](http://www.ldn-lb.org/UserFiles/carthage%201%20final(1).pdf)> Accessed 30 July 2013

⁵ Berneis, N & Bartl, J 2013, *Understanding the Heightening Syrian Refugee Crisis and Lebanon's Political Polarization*, Carthage Research Series, June, p.15 <[http://www.ldn-lb.org/UserFiles/carthage%201%20final\(1\).pdf](http://www.ldn-lb.org/UserFiles/carthage%201%20final(1).pdf)> Accessed 30 July 2013; World Vision 2013, *Under Pressure: The Impact of the Syrian Refugee Crisis on Host Communities in Lebanon*, July, pp13-14 <<http://wvi.org/sites/default/files/UNDER%20PRESSURE%20report.pdf>> Accessed 29 July 2013

⁶ UNHCR 2013, *Lebanon: Regional Response Plan (RRP5) – Fact Sheet*, June <<http://reliefweb.int/sites/reliefweb.int/files/resources/RRP5Factsheet%2Bsectoraldashboards02072013.pdf>> Accessed 26 July 2013 ; Weir, E 2013, *Deluge of Syrian Refugees in Lebanon Awakens Old Sectarian Divisions*, Global Observatory, International Peace Institute, 18 June <<http://www.theglobalobservatory.org/analysis/525-deluge-of-syrian-refugees-in-lebanon-awakens-old-sectarian-divisions-.html>> Accessed 29 July 2013

complex political background against which the refugee crisis is occurring.⁷ Sources note that many Lebanese view Syrian refugees through a sectarian lens and the perceived political allegiances of Syrian refugees are reported to be aggravating long-standing sectarian tensions.⁸

47. In April 2014 the UNHCR reported that there were more than one million registered Syrian war refugees in Lebanon.⁹ It appears that there have been moves by the Lebanese authorities to clamp down on people crossing the border from Syria and there may be policy changes which will lead to discrimination or expulsion or being turned away at the border for Syrians fleeing into Lebanon.¹⁰
48. On the basis of the claims put before me, my findings in relation to those claims, and the country information which I have had regard to, I find that there is no real chance that the applicants will be seriously harmed for their political opinion, imputed political opinion, religion, or for any other Convention reason.
49. On the basis of the country information, I find that there is not a real chance that the applicants or their children will be kidnapped or otherwise seriously harmed by the Syrian regime or anyone else on return. Whilst I accept that applicant two's father was kidnapped [a number of] years ago, the current situation is not analogous to the one Lebanon found itself in then.
50. When I consider the country information with what I have accepted about the applicants – that they are Sunni Muslims from [Town 1], Akkar in North Lebanon, and I have considered the situation of the applicants and have taken into account their symptoms of depression and other mental health concerns, I find that there is no real chance that the applicants will be harmed for a Convention reason on return to Lebanon.
51. I find that there is no real chance that the applicants will be seriously harmed for a Convention reason on return to Lebanon, now or in the reasonably foreseeable future.

⁷ Berneis, N & Bartl, J 2013, *Understanding the Heightening Syrian Refugee Crisis and Lebanon's Political Polarization*, Carthage Research Series, June <[http://www.ldn-lb.org/UserFiles/carthage%201%20final\(1\).pdf](http://www.ldn-lb.org/UserFiles/carthage%201%20final(1).pdf)> Accessed 30 July 2013

⁸ Weir, E 2013, *Deluge of Syrian Refugees in Lebanon Awakens Old Sectarian Divisions*, Global Observer, 18 June <<http://www.theglobalobservatory.org/analysis/525-deluge-of-syrian-refugees-in-lebanon-awakens-old-sectarian-divisions-.html>> Accessed 29 July 2013; International Crisis Group 2013, *Too Close For Comfort: Syrians in Lebanon*, 13 May, p.i

<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Lebanon/141-too-close-for-comfort-syrians-in-lebanon.pdf?utm_source=lebanon-syria-report&utm_medium=3&utm_campaign=mremail> Accessed 14 May 2013 ; Berneis, N & Bartl, J 2013, *Understanding the Heightening Syrian Refugee Crisis and Lebanon's Political Polarization*, Carthage Research Series, June, p.17 <[http://www.ldn-lb.org/UserFiles/carthage%201%20final\(1\).pdf](http://www.ldn-lb.org/UserFiles/carthage%201%20final(1).pdf)> Accessed 30 July 2013

⁹ Hubbard, B., 2014, *Lebanon hosts over a million who fled Syria*, *U.N. reports*, New York Times, 3 April <http://www.nytimes.com/2014/04/04/world/middleeast/syrian-refugees-one-million.html?_r=0> accessed 1 July 2014.

¹⁰ Rainey, V., 2014, *Lebanese lose patience with the flood of Syrian refugees*, *The Week*, 30 May <<http://www.theweek.co.uk/middle-east/syria/58753/lebanese-lose-patience-with-the-flood-of-syrian-refugees>> Accessed 1 July 2014.

Complementary protection

52. The applicants indicated that they were concerned about returning to Lebanon and feared the general security situation there. Applicant one claimed that there had been explosions in Akkar. I do not accept this evidence because it is vague and because of my credibility findings above. I place more weight on the DFAT and other reports above which indicate that there are resource and social constraints in North Lebanon because of the influx of refugees, but that the chance of Lebanese Sunni citizens being harmed in this region is, on my assessment of the country information, remote. I have considerable sympathy for their fears, particularly with two [children]. I have sympathy for the psychological impact this has had upon the applicants. However, my assessment of the country information is that there is only a remote chance of the applicants or their children suffering serious or significant harm on return to Akkar.
53. I find on the evidence before me that I am not satisfied that there are substantial grounds for believing that, as a necessary and foreseeable consequence of the applicants being removed from Australia to their receiving country, being Lebanon, that there is a real risk that they will suffer significant harm.

Conclusions

54. For the reasons given above the Tribunal is not satisfied that any of the applicants is a person in respect of whom Australia has protection obligations. Therefore the applicants do not satisfy the criterion set out in s.36(2)(a) or (aa) for a protection visa. It follows that they are also unable to satisfy the criterion set out in s.36(2)(b) or (c). As they do not satisfy the criteria for a protection visa, they cannot be granted the visa.

DECISION

55. The Tribunal affirms the decision not to grant the applicants Protection (Class XA) visas.

Sean Baker
Member